

OFFICE OF THE GOVERNOR

Reggie Wassana

Governor



Gilbert Miles

Lieutenant Governor

Narrative Information Sheet

1. Applicant Identification
 Cheyenne and Arapaho Tribes
 P.O. Box 167
 100 Red Moon Circle
 Concho, OK 73022-0167
2. Funding Requested
 - a. Grant Type
 Single Site Cleanup
 - b. Federal Funds Requested
 - i. \$300,000.00
 - ii. Cost share waiver does not apply
 - c. Contamination
 Hazardous Substances
3. Location
 - a. City: Concho, Oklahoma
 - b. County: Canadian County
 - c. State: Oklahoma, Concho Reservation, tribally owned lands
4. Property Information
 Concho School and Reserve Properties (single site)
 - a. Building 138 (former boy's dormitory)
 451 N. White Antelope Road
 Concho, OK 73022-0167
5. Contacts
 - a. Project Director
 Damon Dunbar
 (405) 422-7730
damon.dunbar@cheyenneandarapaho-nsn.gov
 P.O. Box 167
 100 Red Moon Circle
 Concho, OK 73022-0167
 - b. Chief Executive/Highest Ranking Elected Official
 Reggie Wassana
 (405) 422-7720
rwassana@cheyenneandarapaho-nsn.gov
 P.O. Box 167

100 Red Moon Circle
Concho, OK 73022-0167

6. Population

12,939 enrolled tribal members (as of 10/22/2020)

7. Other Factors Checklist

Other Factors		Page #
Community Population is 10,000 or less.	No	
The applicant is, or will assist, a federally recognized Indian tribe or United States territory.	Yes	1
The proposed brownfield site(s) is impacted by mine-scarred land.	No	
Secured firm leveraging commitment ties directly to the project and will facilitate completion of the project/redevelopment; secured resource is identified in the Narrative and substantiated in the attached documentation.	Yes	3
The proposed site(s) is adjacent to a body of water (i.e., the border of the proposed site(s) is contiguous or partially contiguous to the body of water, or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them).	No	
The proposed site(s) is in a federally designated flood plain.	No	
The reuse of the proposed cleanup site(s) will facilitate renewable energy from wind, solar, or geothermal energy; or will incorporate energy efficiency measures.	Yes	3

8. Letter from the State or Tribal Environmental Authority

Please see the attached letter from the Inter-Tribal Environmental Council.

Respectfully,



Reggie Wassana
Governor

Inter-Tribal Environmental Council

Cherokee Nation Office of Environmental Programs

P.O. Box 948

Tahlequah, Oklahoma 74465

(800) 259-5376

October 12, 2020

Mr. Damon Dunbar
Cheyenne and Arapaho Tribes
Environmental Protection Office
P.O. Box 167
Concho, OK 73022

RE: FY 2021 Brownfields Cleanup Grant

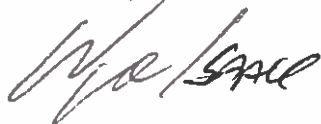
Dear Mr. Dunbar,

This letter serves to acknowledge and extend the staff's support from the Inter-Tribal Environmental Council (ITEC) to the Cheyenne and Arapaho Tribes' application for funding through the Brownfields Cleanup Program. ITEC has previously worked with the Tribes on successful Brownfields Projects and they remain members of the consortium.

The ITEC staff is dedicated to supporting the development and advancement of the Brownfields Cleanup projects for the ITEC member Tribes. We are familiar with your current project since the ITEC staff performed the Phase I and Phase II assessments of these various sites. Staff members will be available, to the fullest extent allowable within the scope of our programs, for technical assistance related to Brownfields Cleanup opportunities for these sites and the corresponding reuse plan.

We commend the Cheyenne and Arapaho Tribes for their continuing efforts to restore and protect the land for future generations.

Sincerely,



Wayne Isaacs
Senior Director

NARRATIVE

1. Project Area Description and Plans for Revitalization

1.a. Target Area and Brownfields

1.a.i. Background and Description of Target Area: The Cheyenne and Arapaho Tribes (Tribes) are two separate American Indian Tribes federally recognized as one Tribe for governance. The Tribes operate under three branches of government, including the Executive, Legislative, and Judicial branches. As of October 19, 2020, there were 12,939 tribal members enrolled with the Tribes. Currently, there are 1,539 persons employed by the Tribes. The land base consists of tribal trust lands and individual allotted lands encompassing the tribal jurisdiction, which spans across ten counties, totaling approximately 8,996 square miles of land, in western Oklahoma.

The Tribes' headquarters are in Concho, OK on the Concho Reserve, approximately 10 miles north of El Reno, OK in Canadian County. The headquarters are the centralized area for obtaining services and conducting business for tribal members, eligible service recipients, and employees. The Concho Reserve is approximately 120 acres of tribal trust property consistent of 29 operational buildings and 10 occupied residential dwellings. The 5 remaining former Concho School Property (CSP) buildings are the only buildings unoccupied. The CSP is located approximately 2.3 miles west of the intersection of Black Kettle Boulevard and Highway 81 in Concho, OK. The Title Status Report Information, provided by the Tribes, indicated that the assessment parcel number for the subject property is 090034504. The latitude and longitude coordinates for the target area are 35.613100 N and -97.992500 W, with the following legal description:

- Land area 801 Section 7 Township 13N, Range 7W, Lot 2 SW SW, Lot 4 SW SW of 41.47 acres, Lot 6 NW NW, and Lot 7 NW SW.

The CSP is centrally located on the Concho Reserve, which serves as the target area for this Brownfields cleanup proposal. Within the target area, several buildings (sites) have been found to have significant environmental concerns posing several risks to the community, the environment, the property owner, and anyone encountering the sites identified. This determination was made through a Phase I ESA, Phase II ESA, and a Phase II ESA Update Report in general accordance with American Society of Testing Materials (ASTM) Standard E1527-13 and with the ASTM Standard Practices for Environmental Site Assessments: Phase II ESA Process E1903-19 (ASTM E1903-19), respectively.

The Tribes are requesting FY21 EPA Brownfields Grant funding to conduct cleanup activity of one site on the Concho Reserve – CSP, Building 138 (formerly the boys' dormitory). This site was selected as a primary focus of concern, as Phase II of a four-phase process towards reuse and revitalization plans. The Tribes were awarded a cleanup grant in FY20 for two sites, Building 10 and Building 11. The FY20 cleanup grant is ongoing and the initial phase of the four-phase process. Due to the site's location in proximity to families residing in the area, child care services, a youth shelter, an Indian Child Welfare Program, basketball court, baseball field, a newly constructed Head Start facility, hundreds of employees, and thousands of tribal members and other service recipients, it is important for the Tribes to continue moving forward in cleanup activities.

1.a.ii. Description of the Brownfield Site(s): Building 138 is located at 451 N. White Antelope Road in Concho, OK. This site was constructed in 1967 and originally used as the boys' dormitory of the CSP from 1969 until 1981, when it was closed due to federal funding cuts and the need for several repairs. The site is approximately 24,168 sq. ft. and has been unoccupied and dormant for several years. Environmental concerns at the site include the presence of asbestos-containing materials (ACMs) and lead-based paint (LBP) and the potential for exposure to the surrounding community. The results of the Brownfields Pilot Project (2003), Phase I ESA (2016), Phase II ESA

(2018), and Phase II ESA Update (2019) confirmed the presence of these contaminants of concern (COCs) throughout the site, internally and externally, above regulatory limits/thresholds.

Based on a qualified structural engineering report completed October 25, 2019 as well as an Analysis of Brownfields Cleanup Alternative (ABCA), the Tribes are requesting federal funding to accomplish cleanup goals through a required and recommended wet-demolition technique. A qualified structural engineer, Kelly Parker, P.E., found the proposed site to be structurally unsound, a safety hazard, and for the COCs contained within unable to be mitigated without demolition. The identification of COCs in connection with the targeted brownfield site imposes an environmental liability on owners or operators, reduces the site value, restricts the use of the site, and hinders the potential for a healthier, greener, more vital community.

1.b. Revitalization of the Target Area

1.b.i. Reuse Strategy and Alignment with Revitalization Plans: The Tribes have a Comprehensive Economic Development Strategy (CEDS) Plan that serves as a guide for the economic development of the Tribes. It was developed with specific strategies to address the economic problems of the community. In addition, the 2016-2021 Land Use Plan serves as a guide for growth and development of tribal trust lands located within the tribal jurisdiction and provides an inventory of lands, existing conditions, a socioeconomic overview, maps, and implementation strategies for future land use. The planning methodology used to prepare these plans involved a community-based approach, utilizing online and in-person community planning tools, staff interviews, and extensive data collection and research. These plans serve as guidelines for tribal leadership decision-making for future land use issues and are considered living documents.

Aligning with the long-term goals of the CEDS Plan and the Land Use Plan, the Tribes' projected reuse plan for the target area of the CSP is to revitalize the community by strategically and safely removing hazardous materials posing a risk to the public and environment as identified in multiple sites. Although there will be immediate benefits for the target area through the ongoing cleanup of Site 1 and Site 2 (FY20 awarded funding) and the cleanup of Building 138 (FY21 proposed funding), the complete efforts will be accomplished in a total of four phases until all hazardous substances have been remediated and the community has been revitalized and prepared for reuse. The previously awarded and ongoing project for the first phase is to cleanup Site 1-Building 10 and Site 2-Building 11. The second and proposed phase for FY21 cleanup efforts, is to cleanup Site 3-Building 138. The third phase, if awarded Phase II, will be to apply for FY22 funding for Phase III to cleanup Site 4-Building 139. The Tribes intend to seek future EPA Brownfields Cleanup Grant funding for the proposed third phase. The goal for the target area's reuse is the centralized headquarters of the Tribes, the fourth and final phase. This area will be the future home of a new multi-story administrative building to contain multiple office, meeting, and storage spaces, which are desperately needed. The center of the building will hold a museum that ties into the culture of the Tribes' history and significance. Hundreds of buffalo, which hold a strong significance to the Tribes, roam near the proposed new building. A goal is to have a buffalo outlook on the east side of the building for employees and anyone visiting to enjoy. In addition, there will be a large green space for a park and a walking trail around the envisioned site to promote healthy and active lifestyles of the surrounding community. The Tribes will update infrastructure such as roads, parking, and utilities, where necessary. The future land use at the sites will not be restricted by flood concerns. This plan addresses top priorities identified through a comprehensive approach.

1.b.ii Outcomes and Benefits of Reuse Strategy: This reuse strategy will eliminate and prevent contamination and better protect human health, welfare, and the natural environment. Currently, there is a limited amount of land available for the expansion of programming, office space,

housing, and new business ventures. Two Opportunity Zones (OZs) have been confirmed within the tribal jurisdiction, Blaine County (Census Tract # 40011958800), and Custer County (Census Tract # 40039960600), where many tribal members reside and commute from. The proposed project addresses top priorities of the Tribes to include economic development, additional office space, the creation of jobs, cultural resources, historic preservation, and infrastructure improvements.

Upon completion of the cleanup of these properties, the Tribes will have a greater opportunity to redevelop the community by reusing space in a previously utilized but now uninhabitable area of the community. The reuse plan will utilize energy efficient measures to include, but not be limited to, energy efficient lighting, appliances, windows, insulation, and building materials. Currently, the Tribes are developing plans to pursue renewable energy implementation from solar installation to cut energy consumption costs and promote resilience. The revitalization plans will stimulate economic development through the creation of approximately 48,000 sq. ft. of new office space, approximately 30 to 40 new jobs, approximately 5 acres of greenspace, a healthier community and improvement in the quality of life through walking trails and parks, and the preservation of culture and history. Unemployed and/or underemployed tribal members, including those located within the OZs, will have a greater opportunity for economic growth and stability through the creation of more job opportunities in Concho, OK. Access to transportation is provided to and from work at the Concho Reserve throughout the tribal jurisdiction, including these OZs.

1.c. Strategy for Leveraging Resources

1.c.i. Resources Needed for Site Reuse: The Tribes are eligible to receive grant funding from federal funding agencies and have the experience in obtaining and managing federal grant awards successfully in a multitude of past projects. The Tribes have monetary resources available from tax revenues, gaming revenues, and other business revenues that are allocated to various projects and programs by legislative process. There are also several tribal programs within the Tribes in which in-kind leveraging resources can be made available, such as the Departments of Business (DOB), Transportation, Education, Labor, Planning and Development (P&D), etc.

The EPA Brownfields Grant funding will stimulate the availability of additional funds for the redevelopment and subsequent reuse of the proposed site by providing support to fund the cleanup through remediation of hazardous materials and concurrent removal of the targeted site, as deemed necessary through wet demolition.

The Tribes stand committed to this project as referenced in the Letter of Support provided by the Tribes' Governor and the forthcoming Resolution committing \$60,000.00 to this project. Any additional monetary or leveraging resources needed for the future revitalization of the target area will be secured through the required legislative process or grant-seeking measures. The successful completion of this project will stimulate opportunities for further federal and non-federal support.

1.c.ii. Use of Existing Infrastructure: For this project, the Tribes will use existing roads, water, and power infrastructure at or surrounding the site for the purposes of completing the cleanup goals through a wet demolition project. There is a need to upgrade some existing infrastructure within the areas surrounding the proposed site for future reuse plans. This includes upgrading the water and sewer to withstand greater capacities. Infrastructure improvement is in the Tribes' 5-year plan to address demands that will support future growth and revitalization. The Tribes have applied for funding for improvements to the water loop, the water tower, and the main gas line through EDA CARES funding and will seek additional infrastructure improvement support through tax revenues, gaming revenues, other business revenues, or grant-making agencies such as the Economic Development Administration, Department of Housing and Urban Development, the

United States Department of Agriculture, and/or the United States Department of Transportation. The Tribes' Business Development Corporation is in the process of improving the broadband capabilities for broadband, communication towers, and a backhaul network.

2. Community Need and Community Engagement

2.a. Community Need

2.a.i. The Community's Need for Funding: The tribal community consists of a small (12,939 members), disproportionally low-income population. Many are poverty-stricken and seek financial assistance and community resources to sustain. Tribal programs provide direct services and resources to the community and often have limited resources to assist all of those in need. In 2019, the Bureau of Labor Statistics (BLS) reported the unemployment rate of AIANs was 6.6 percent, considerably higher than the rate of 3.9 percent for the country as a whole. In 2013, the Economic Policy Institute reported a 6.8% AI unemployment rate for the southern plains region (Oklahoma, Texas, and Kansas) based on BLS data. According to the U.S. Census Bureau, AIs had the highest poverty rate in the U.S. in 2014 at 28.3%, as compared with the national rate of 15.5%. The U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates, reported 26.8% of AI/AN people are below the poverty level, which ranks number one amongst all other races. These characteristics contribute to the community's inability to carry out environmental remediation and subsequent redevelopment. EPA Brownfields Grant funding will provide the Tribes with the means of moving forward in the cleanup and revitalization of the centralized portion of its property that is posing a threat the human health, welfare, and environment. This project will also provide an opportunity for increased employment for the tribal population, an improvement to health, welfare, and the environment, and resilience for the Tribes to sustain the culture and traditions.

2.a.ii. Threats to Sensitive Populations

(1) **Health or Welfare:** ACMs and LBP in the targeted area have become a health hazard as all the buildings have been damaged, disturbed and deteriorated over time and are potentially releasing fibers into the air and soil. Surrounding Building 138 are 10 low-income tribal families residing in impoverished homes. The Tribes' intent is to seek funding through HUD to build new low-income housing units in the area to improve the disparities these families face. In addition, a childcare center, youth shelter, an Indian Child Welfare Program, basketball court, baseball field, and Head Start school sit on adjacent properties to the target area's ongoing and proposed cleanup sites. The Child Care Center currently serves 40 tribal children in which 28 (70%) are considered low-income. The Emergency Youth Shelter provides emergency residential services and 24-hour care for up to 12 children in state or tribal custody with no familial placement and no income. The Head Start currently serves 64 children with early education of which 49 (77%) are reported to be low-income. These programs have requirements to allow time for physical activity and often take the children on walks in the area, weather permitting. The staff have been warned of the targeted sites conditions and are therefore required to steer clear of the contaminated sites. In addition, multiple other tribal programs surround the proposed cleanup sites and employ and provide services to hundreds of employees and thousands of service recipients.

Exposure to health threats present in and around the site will be eliminated through the proposed cleanup activities. The health and welfare of the children, pregnant women, minority and low-income community will be strengthened and positively affected through the completion of this project, as the health risks associated with being exposed to hazardous materials such as ACMs and LBP will be reduced. Therefore, the Tribes deem it necessary to clean up the targeted site.

(2) **Greater than Normal Incidence of Disease and Adverse Health Conditions:** According to the Indian Health Service (IHS), American Indians and Alaska Natives (AI/AN) face a number of

environmental hazards that affect their health status and there are substantial disparities in health status between AI/ANs and the rest of the population. The Indian Health Disparities Report reported “the AI and AN people have long experienced lower health status when compared with other Americans. Lower life expectancy and the disproportionate disease burden exist perhaps because of inadequate education, disproportionate poverty, discrimination in the delivery of health services, and cultural differences. These are broad quality of life issues rooted in economic adversity and poor social conditions.” In addition, the report also states the following:

- Diseases of the heart, malignant neoplasm, unintentional injuries, and diabetes are leading causes of AI and AN death (2009-2011).
- AI and AN born today have a life expectancy that is 5.5 years less than the U.S. all races population (73.0 years to 78.5 years, respectively).
- AI and AN continue to die at higher rates than other Americans in many categories, including chronic liver disease and cirrhosis, diabetes mellitus, unintentional injuries, assault/homicide, intentional self-harm/suicide, and chronic lower respiratory diseases.

These greater-than-normal incidences of diseases or conditions may be associated with exposure to hazardous substance in the environment in which the community lives, works, and/or spends much of their time. Hazardous substances are centrally located to the Tribes’ population. Removal of these substances will result in improved health and welfare of the tribal community.

(3) **Disproportionately Impacted Populations:** Building 138 is easily accessible with no fences or locked doors to prevent children, adults, and animals from entering the buildings. The targeted site has paint peeling from the ceiling and walls with visible signs of vandalism and defacing. There have been incidents where children in the surrounding area have suffered injuries from exposed metal, glass, and wood present on the CSP. As stated previously, multiple children, minorities, and low-income persons surround this site. The target area presents serious health and safety risks to the community and is, therefore, a priority for cleanup activity to protect the sensitive population surrounding this area. The EPA Brownfields Program has a rich history rooted in environmental justice and is committed to helping communities revitalize brownfield properties, mitigate potential health risks, and restore economic vitality. Cleanup funding will address the reduction of these threats and assist the Tribes in achieving community long-standing goals in phases by targeting and cleaning up Sites 1 and 2 in the first phase (awarded and in process). Next, the Tribes will target and cleanup Site 3 – Building 138 (currently seeking funding) for Phase II. In Phase III, the Tribes will target and cleanup Site 4 – Building 139. Lastly, the Tribes will complete Phase IV through the revitalization and reuse of the target area.

2.b. Community Engagement

2.b.i. Project Partners and 2.b.ii. Project Partner Roles: Several partners will be involved in the proposed cleanup project and future reuse plan. Partners will continue to assist in completing project tasks inclusive to overseeing activities and making informed decisions, educating and informing the community, soliciting feedback, gathering data, planning for the future reuse of the sites, providing culturally relevant ideas and customary beliefs, and developing and offering future jobs for low-income tribal members.

Partner Name	Point of Contact	Specific role in the project
Environmental Committee (EOC)	Damon Dunbar; damon.dunbar@cheyenneandarapahonnsn.gov ; 405-422-7730	Oversee activities and make informed decisions

Tribal EPA Program	Chieko Buffalo cbuffalo@cheyenneandarapaho-nsn.gov ; 405-422-7410	Provide oversight and ensure compliance
CEDS Committee	Christine Morton; cmorton@cheyenneandarapaho-nsn.gov ; 405-422-7623	Soliciting feedback and gathering data
Department of Business	Nathan Hart; nhart@cheyenneandarapaho-nsn.gov ; 405-422-7461	Planning for future reuse of the sites
Department of Education	Gordon Yellowman; gyellowman@cheyenneandarapaho-nsn.gov ; 405-422-7729	Educating the community and provide culturally relevant ideas and customary beliefs
Department of Health	Charlene Wassana; cwassana@cheyenneandarapaho-nsn.gov ; 405-422-7679	Educate the community and provide feedback on the future reuse

2.b.iii. Incorporating Community Input: Community involvement and input is imperative to the proposed cleanup project on the CSP. The Tribes make regularly scheduled visits to each of the communities within the tribal service area to discuss ongoing projects. There are 12,939 enrolled tribal members. These tribal members are represented by 4 Cheyenne and 4 Arapaho Legislators. The Planning and Development Program and the Tribal EPA Program have delivered information to the tribal communities and their respective district representatives regarding the proposed alternatives. An online public Zoom meeting was held on October 13, 2020, after solicitation via fliers, global email distribution, and social media outlets. The public was provided access to the draft ABCAs, structural engineering report, reuse plan, draft application, and information on how, where, and when to comment on the proposed project. Project partners will continue to be involved by offering assistance, knowledge, and insight throughout the project period.

Community input has and will continue to be requested, considered and responded to in a constructive manner. This will be accomplished by communicating project progress through verbal and visual deliveries at regularly scheduled, monthly community meetings within each of the tribal communities (or via other means if the COVID-19 pandemic hinders access to face-to-face meetings), on social media outlets, through the global email system, and within the tribal newspaper. Tribal members, the general public, and employees will have an opportunity to ask questions, make comments, and provide suggestions. All responses will be collected, documented, and responded to accordingly. This information will be incorporated in all decision making.

3. Task Descriptions, Cost Estimates, and Measuring Progress

3.a. Proposed Cleanup Plan

Based upon the results of the Phase II ESA, the specific concerns addressed in the conceptual cleanup alternatives analysis for Building 138 includes ACMs and LBP identified. Cleanup alternatives considered as part of the analysis of the site were evaluated against compliance, effectiveness, difficulty of implementation, and cost. Of the three alternatives evaluated for the site, the preferred and recommended is Alternative 3: Wet Demolition of Structure to Safely Remove All ACMs and LBP. This alternative was selected based upon overall compliance with state and/or federal regulations, the ability to protect human health and the environment in both the short-term and long-term, feasibility of implementation, and cost effectiveness. A structural engineering report identified demolition to be necessary in order to abate the hazardous materials found at the proposed site. The Tribes will procure a properly licensed contractor to remove

hazardous building materials (ACMs and LBP) to be disposed of properly at authorized landfills. This alternative is considered the best option for the detailed plans for the site's reuse, which has already been conceptually designed.

3.b. Description of Tasks/Activities and Outputs

3.b.i. Project Implementation: The proposed cleanup plan will be accomplished by meeting tribal procurement guidelines to advertise for qualified firms with experience in abatement of hazardous substances through wet demolition techniques for the targeted 2 sites of the CSP on the Concho Reserve. Grant funds and cost share funds will be used for the most responsive and responsible bidder, and Native American firms or MBE/WBE will be given preference for both sites.

If awarded, several meetings will be held to discuss health, safety, and contamination concerns. All cleanup activities will be initiated by workers wearing protection and who have received proper training. The Tribes will be responsible for oversight of the contracted project and will maintain regular communication with the contractor, administration, support roles (i.e. Finance, Accounting, Procurement Grants & Contracts, etc.), TA providers, ITEC, U.S. EPA, and the community. Reporting requirements will be completed, timely, throughout the project period.

The Tribes have been actively engaged in a reuse plan of the target area with ITEC and Kansas State University (KSU) TAB. Tribal administration, staff, and the tribal community have had several meetings to discuss the redevelopment and reuse of the identified sites. It has been determined that the goal is to complete the abatement and required wet demolition of multiple sites within the target area in three phases. Once all sites have been mitigated and properly disposed, the target area will be revitalized for the future reuse plan (Phase IV).

3.b.ii. Anticipated Project Schedule:

Task of Project	Staff	Deliverable	Timeframe
Task 1 -Contract agreement	Tribal EPA Director, Procurement Office, P&D Program, Finance	Request for proposal, Contract	Nov. 2021 – Mar. 2022
Task 2 -Project oversight	Tribal EPA, Tribal Security, ITEC, KSU TAB, Contractor, Finance	Safety plan, meetings, sign-in sheets	Mar. 2022 – Sept. 2023
Task 3 -Project implementation	Tribal EPA Director, Project Manager, Contractor	Photo reports	Mar. 2022 – Sept. 2023
Task 4 -Project reports	Tribal EPA Director, P&D, Finance	Meeting sign-in sheets	Nov. 2021 – Sept. 2023

3.b.iii. Task/Activity Lead: **Task 1**-Contract Agreement: Procurement Grants & Contracts (PG&C) will be contacted after the grant award to publish a Request for Proposals (RFP) for qualified contractors for the cleanup of Building 138. After reviewing proposals and once a selection has been made, Planning and Development (P&D) will prepare the contract. The contract will detail the timeframe, insurance needs, scope of work, and payment schedule. **Task 2**-Oversight of Project: The Tribal EPA Program will assist with the cleanup and daily monitoring by the awarded contractor of the site. Safety meetings will be scheduled to brief safety standards prior to any cleanup activity. ITEC will be contacted to inform the Brownfields Program of all activities. If needed, ITEC and KSU TAB will be contacted for Technical Assistance (TA). **Task 3**-Project Implementation: The Tribal EPA and P&D Program Director will lead in the project coordination of all activities of the site. The contractor will be contacted on a regular basis and timeframes will be shared on the progress of the cleanup activity performed. The Tribal EPA Director will coordinate with supportive roles and partners regularly, as needed. **Task 4**-Project

Reports: Tribal EPA Staff and the assigned financial accountant will be responsible for all programmatic and financial reports.

3.b.iv. Outputs: **Task 1:** RFP, signed contract, cleanup plan; **Task 2:** Safety plan, meetings, sign-in sheets, contractor checklist; **Task 3:** Meetings, sign-in sheets, photo reports; **Task 4:** Quarterly reports, financial reports, contractor reports, final reports, letter of completion

3.c. Cost Estimates

The Tribes sought assistance from a qualified environmental engineer and a qualified structural engineer who provided an estimated quote and recommendations for the proposed cleanup of Building 138. The project scope of work will meet the procurement guidelines the Tribes have adopted and will follow EPA procurement requirements. The estimated total cost for the proposed cleanup through wet demolition for the site will be approximately \$360,000. This total includes a federal request of \$300,000 and a cost share of 20% of EPA funds or \$60,000.

Budget Categories		Project Tasks (\$)				Total
		Task 1- Contract Agreement	Task 2- Project Oversight	Task 3- Project Implementation	Task 4- Project Reporting	
Direct Costs	Personnel	\$2,500	\$2,500	\$2,500	\$2,500	\$10,000
	Fringe Benefits	\$350	\$350	\$350	\$350	\$1,400
	Travel	\$500	\$1000	\$1000	\$1000	\$3,500
	Equipment	\$0	\$0	\$0	\$0	\$0
	Supplies	\$5,000	\$15,000	\$20,000	\$5,000	\$45,000
	Contractual	\$1,000	120,000	\$168,000	\$1,000	\$290,000
	Other	\$500	\$2,500	\$3,000	\$500	\$6,500
Total Direct Costs		\$9,850	\$141,350	\$194,850	\$10,350	\$356,400
Indirect Costs		\$900	\$900	\$900	\$900	\$3,600
Total Federal Funding		\$9,250	\$117,250	\$163,750	\$9,750	\$300,000
Cost share		\$1,500	\$25,000	\$32,000	\$1,500	\$60,000
Total Budget		\$10,750	\$142,250	\$195,750	\$11,250	\$360,000

Administrative cost will not exceed \$15,000 or 5% of the requested EPA federal funds. Of the EPA funds requested, direct costs include personnel calculated at \$25/hr x 400 hours = \$10,000. Fringe is calculated at approximately 14% of the \$10,000 personnel cost or \$1,400. Travel covers the cost for mileage, travel, required conferences, and follows the GSA rate requirements. Travel is estimated at \$3,500. Supplies cover printing, paper, general office supplies, and other materials needed for the project, estimated at \$45,000 total. EPA contractual costs are estimated to be \$290,000 for the required wet demolition and proper disposal of hazardous materials. These cost estimates were derived from professionals who have experience in previous brownfields cleanup activities. Although the Tribes have a federally approved and negotiated indirect cost rate agreement of 27.72%, the Tribes are only requesting \$3,600 to cover indirect costs for this project. The cost share for the project will total 60,000, which will be used to support the administrative costs and supplies costs.

3.d. Measuring Environmental Results

The Tribes' EPA staff have the capacity and experience to easily identify when the project is or is not on schedule and will ensure that all project goals will be achieved in an efficient manner. All project staff will be under the supervision of the project manager, Mr. Dunbar. The Tribes will utilize the Assessment, Cleanup and Redevelopment Exchange System (ACRES) for reporting, tracking and documentation purposes involving incoming grant funds and outgoing expenditures,

contamination present, amount of greenspace created and redeveloped, if ACRES is a requirement of the grant agreement.

The Tribes' expected output for the cleanup project of Building 138 will ensure health and safety for residents, tribal employees, and the public by removing known hazardous materials in the blighted structure. Ongoing community meetings will be held to inform the public of the proposed Brownfields Project and to address all questions and concerns from the public. The cleanup will increase the safety of the area by removing known hazardous materials, which will be tested again after completion. The cleanup also will eliminate the potential for accidents and exposure to hazardous materials associated with the buildings that are easily accessible to children and adults, as measured through a letter/report of completion.

Brownfields project activities will minimize exposure to hazardous substances and materials such as LBP and ACMs which will reduce health and safety risks associated with the targeted brownfield area. Eliminating the exposure to such health and safety risks will revitalize the tribal community which will contribute to an overall improved well-being. The outcome of the completed project will excite the community and give hope for what is to come in the redevelopment of the target area. The Tribes currently do not have adequate space to house current and potential new employees. By creating additional energy efficient office space, the Tribes will be able to create jobs and improve morale. After the successful cleanup of the target area, greenspace will be made ready for reuse and redevelopment for the community, permanently eliminating exposure to hazardous substances and materials in the targeted brownfield area.

4. Programmatic Capability and Past Performance

4.a. Programmatic Capability

4.a.i. Organizational Structure and 4.a.ii. Description of Key Staff: In 1937, the Tribes organized a government for their common welfare and adopted a Constitution and by-laws pursuant to the Oklahoma Indian Welfare Act of 1936. When the Constitution was revised in 2006 at which time the Tribes adopted a four-branch Government which includes the Executive, Legislative, Judicial, and Tribal Council. The organizational chain of command for grant funding purposes includes the Executive Branch, Legislative Branch, Department of Administration (hereinafter DOA) and the Department of Treasury (hereinafter DOT). The Executive Branch is responsible for the overall functioning of tribal programs and services. The Executive Branch has ten Departments, three of which are the DOA, the DOT, and the Department of Social Services. Within the DOA and DOT are programs that are responsible for maintaining an efficient process in which grants and contracts are administered for the Tribes. The Tribes' P&D Program oversees the Tribal EPA Program and will be the beneficiaries of the grant if awarded. The Tribes have a history of successfully administering federally funded grant proposals that have greatly benefitted many tribal members and the community. The Tribes will adhere to all EPA grant requirements. The Tribes have the administrative capacity, construction management experience, and technical skills to complete a Brownfields Cleanup Grant project on schedule as planned, within budget with few or no changes. Currently, the Tribes administer approximately 60 federal grants and contracts in addition to 8 to 10 state grants and contracts at any given time.

The P&D Director/Acting Tribal EPA Director, Mr. Damon Dunbar, possesses a Master of Science Degree in Native American Leadership (MSNAL) from Southeastern Oklahoma State University, and an undergraduate Bachelor of Science Degree in Industrial Technology from Southwestern Oklahoma State University. Mr. Dunbar has the programmatic and administrative capacity to successfully manage and complete the grant within the 3-year period of performance.

4.a.iii. Acquiring Additional Resources: Within the DOA is the Office of PG&C. PG&C is responsible for assisting tribal programs with grant reporting and overall grant management. This program created a system that notifies programs when reports are due, to include narrative and financial reports, and assists with the closeout of grants and contracts. PG&C also assures that tribal programs follow an approved procurement process as outlined in the current Procurement Policy. The Tribes have successfully acquired additional expertise and resources to include contractors or sub recipients required to successfully complete multiple other projects of this nature and demonstrates the capability to do so for the Brownfields Cleanup grant. The Tribes have consulted with qualified environmental and structural engineering firms to provide a cost estimates and recommendations for both sites.

4.b. Past Performance and Accomplishments

4.b.i. Currently Has or Previously Received an EPA Brownfields Grant: The Tribes received an EPA Brownfields 2001 Assessment Pilot Grant for 3 locations within the tribal service area. The Pilot's primary target area of interest was the CSP on the Concho Reserve where abandoned and hazardous brownfield properties were assessed for exposed contaminants and other hazardous materials. The total amount awarded was \$200,000. The output of this Pilot Program successfully implemented a hazardous materials inspection which measured and determined detectable levels of lead above 1 mg/cm² and ACMs present in several building components of the brownfield sites (Buildings 10, 11, 138, and 139). The primary outcome of this investigation was to determine if contamination on-site poses a threat to human health or the environment. The Tribes also received an EPA Brownfields Cleanup Grant in 2020 to complete the required wet demolition of Building 10 and 11 on the CSP. This project is in the initial project stage and RFPs are in the process of being completed.

(1) **Accomplishments:** The grant was administered by the Tribal EPA Program and a Brownfields Coordinator, hired to oversee the grant. The Coordinator was responsible for obtaining a certified environmental company that could perform a Phase-I ESA and Phase-II ESA. The first year was to assess and identify sites for the Phase-I ESA. The second year was to test for ACM and LBP in these sites for the Phase-II ESA. Both reports were shared with the Tribal Business Committee, the Chairman, Vice-Chairman of the Tribes, and the Tribal Environmental Review Board.

Due to the hazardous materials located within sites on the CSP, it was decided by administration to board up the windows and doors. Seger Boarding School in Colony was in a remote and very rural location; therefore, the building was left as is until it could be further prioritized. A cleanup of the site is planned to bring back to greenspace. The Canton High School Gym was boarded up but remediated and renovated in 2014 to become a Community Hall for the Tribes. From the time of 2001-2003, when the Pilot Project was being implemented, the Redevelopment Exchange System (ACRES) was not applicable, however, other reporting requirements were met.

The FY20 Brownfields Cleanup Grant is just beginning, yet on time and within budget. The ACRES system will be used for reporting purposes for this grant award.

(2) **Compliance with Grant Requirements:** All Brownfields Pilot grant reporting and close out documents were submitted on time and within budget by the Brownfields Coordinator. The Tribes' Tribal EPA staff complied with all the reporting provisions of the previously awarded Brownfields grants and submitted each report as required by the grant report due date. All work plan objectives were identified and met. The progress achieved in the agreed upon project/program deliverables was reflected in the performance reports submitted to the EPA. The Tribes will continue to meet all commitments and requirements in a timely manner.

OFFICE OF THE GOVERNOR

Reggie Wassana
Governor



Gilbert Miles
Lieutenant Governor

October 12, 2020

Mr. Paul Johnson
Brownfields Team
EPA Region 6
1445 Ross Avenue, Suite 1200 (6SF-VB)
Dallas, TX 75202-2733

RE: FY 2021 Brownfields Cleanup Grant

Dear Mr. Johnson,

I am writing you in reference to the Environmental Protection Agency (EPA) FY21 Brownfields Cleanup Grant application that our tribes will be submitting. The Cheyenne and Arapaho Tribes have a great need to meet Goal-I of the FY 2018-2022 U.S. EPA Strategic Plan.

The Tribal EPA Program applied in 2001 for the EPA Brownfields Assessment Demonstration Pilot for three areas of concern to include the former Concho School sites and other Concho Reserve Properties. The grant was completed on time and on budget with Phase-I & II Environmental Site Assessments (ESA) in 2003. Since then, most of the former school buildings have been dormant. Recently, the Tribes contacted the Inter-Tribal Environmental Council (ITEC) to complete new ESAs and a qualified local environmental engineer to provide an update to be used for the Tribes' knowledge of the hazardous materials still in the buildings. These reports were completed in 2016, 2018, 2019, and 2020.

Reuse of an old BIA school classroom building was completed in 2011 by the tribal Economic Development Program, and is still being used today by the Education Department. The Tribes implemented a small demolition project on several smaller wood structures that allowed training and jobs for tribal members in 2017. Both reuse projects were done in accordance with all environmental regulations, and helped to improve the health, welfare, and safety of the tribal community. This was part of the Tribes' commitment to move forward to remove blighted structures, to build safe and modern facilities and homes, and to protect the human health and environment.

In late 2019, the Tribes applied for the FY20 Brownfields Cleanup Grant and were successful in obtaining this award for building 10 and building 11 (Phase I). The Tribes are grateful for the support from EPA and are now in the process of completing phase one of the four-phase project.

The FY21 Cleanup Grant will fund phase two of the four-phase process towards land reuse and revitalization.

Due to the worldwide COVID-19 pandemic, the Tribes have had limited staff and heavy workloads and have been unable to obtain a legal supporting Resolution from Tribal Council within the time frame preceding the grant application. However, the tribal community and tribal leaders are aware of this project and remain supportive, as will be demonstrated through a forthcoming Resolution. In addition to the \$300,000.00 in which the Tribes is requesting under this EPA funding opportunity, the Tribes will commit the 20% cost share, or \$60,000.00, in support of this \$360,000.00 phase II project.

I offer my full support for the FY21 Brownfields Cleanup Grant that will improve the health and safety of the tribal members, tribal staff, and the general public that visits the Tribes on a daily basis on the Concho Reserve.

Feel free to contact our office for any questions you may have at (405) 422-7733.

Respectfully,

A handwritten signature in blue ink, appearing to read "Reggie Wassana", with a long horizontal flourish extending to the right.

Reggie Wassana
Governor

EIGHTH LEGISLATURE
OF THE
CHEYENNE AND ARAPAHO TRIBES

_____ Session
_____, 2020
Large Conference Room, Concho, OK

RESOLUTION: A Resolution to support the FY 2021 Brownfields Cleanup Grant application to the U.S. Environmental Protection Agency to remediate and/or demolish hazardous sites on the Concho Reserve and School Properties in an effort to improve the environment, improve the health and welfare of the target population, and to support redevelopment.

RESOLUTION NO:
DATE INTRODUCED:
SPONSOR:
CO-SPONSOR:

LEGISLATIVE HISTORY:
[NOTE:]

SUBJECT: A Resolution to support the FY 2021 Brownfields Cleanup Grant application to the U.S. Environmental Protection Agency to remediate and/or demolish hazardous sites on the Concho Reserve and School Properties in an effort to improve the environment, improve the health and welfare of the target population, and to support redevelopment.

WHEREAS: The Cheyenne and Arapaho Tribes are federally recognized Indian Tribes, organized under a Constitution approved by the Secretary of the Interior on April 4, 2006; and

WHEREAS: The Legislature has the Constitutional obligation and public responsibility to the Tribes to oversee the Tribes' operations in order to establish and promote justice, establish guidance and direction for the government and advance the general welfare of the Tribes; and

WHEREAS: Article VII, Section 4(d) of the Constitution requires that the Legislature or Tribal Council give prior authorization for the signing of contracts by the Governor; and

WHEREAS: Article VI, Section 7(a) of the Constitution, the Legislative Process provides that all Bills shall be published in a Legislative Calendar for at least thirty days prior to action on Bill; and

WHEREAS: The Eighth Legislature finds that it is necessary and proper to support the application

for the FY 2021 Brownfields Cleanup Grant application to remediate

Forthcoming

and/or demolish (where necessary) hazardous sites on the Concho Reserve and School Properties; and

WHEREAS: The Legislative Clerk published the Resolution authorizing the support of the application for the FY 2021 Brownfields Cleanup Grant to the U.S. Environmental Protection Agency in the Legislative Calendar on _____, 2020; and

WHEREAS: The Cheyenne and Arapaho Tribes affirm the consideration of the views of the community in preparing this application and certify that citizen participation was undertaken in accordance with regulations prior to the submission of the application; and

WHEREAS: The purpose of this grant is to address the environmental conditions of one (1) site located on the Concho Reserve, because the existing facility has been identified as containing hazardous substances (asbestos-containing materials and lead-based paint) and to be structurally dilapidated and deemed unsafe; and

WHEREAS: The proposed project includes the following one (1) site:
Building 138 - Boy's Dorm; and

WHEREAS:

- a) The Cheyenne and Arapaho Tribes are proposing to remediate asbestos-containing materials and lead-based paint from the site listed above and, as necessary, demolish sites found to be structurally unsound and that present dangerous conditions in order to abate hazardous substances, and for the proper disposal of all materials for an estimated total cost of \$300,000.00; and
- b) The Cheyenne and Arapaho Tribes will submit an FY 2021 EPA Brownfields Cleanup Grant application requesting grant funds of \$300,000.00; and
- c) Cost share funds will be appropriated from the tribal funds in the amount of \$60,000.00, which includes the required 20% of the total allowable grant funds requested, as required by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for this project; and
- d) Administrative costs, including all indirect costs and direct costs for grant administration (\$15,000.00) is included in the funding amounts listed above and will not exceed five (5) percent of the total amount of EPA grant funding; and

NOW THEREFORE BE IT RESOLVED that the Seventh Legislature of the Cheyenne and Arapaho Tribes, pursuant to Article VII, Section 4(d) of the Cheyenne and Arapaho Tribal Constitution, does hereby approve and support the Tribes' FY 2021 Brownfields Cleanup Grant application to the U.S. Environmental Protection Agency to remediate and/or demolish hazardous sites on the Concho Reserve and School Properties; and

BE IT FURTHER RESOLVED that if the grant is awarded, the Eighth Legislature of the Cheyenne and Arapaho Tribes commits \$60,000.00 for the required cost share associated with this project; and

BE IT FINALLY RESOLVED that the Eighth Legislature of the Cheyenne and Arapaho Tribes authorizes Governor Reggie Wassana to sign all contracts and related documents for the FY 2021 EPA Brownfields Cleanup Grant application.

Kendricks Sleeper
Speaker of the Eighth Legislature
Eighth Legislature of the Cheyenne and Arapaho Tribes

Forthcoming



**Cheyenne and Arapaho Tribes
FY21 EPA Brownfields Cleanup Grant**

Threshold Criteria Response

1. Applicant Eligibility
 - a. Applicant Eligibility Statement Letter Signed by the Governor of the Cheyenne and Arapaho Tribes
 - b. Resolution authorizing the Governor to enter grants and/or contracts and identifying the Tribes as being federally recognized with a Constitution approved by the Secretary of the Interior
 - c. Governor Letter of Support
2. Previously Awarded Cleanup Grants
 - a. Signed letter from the Governor verifying the Cheyenne and Arapaho Tribes have not been previously awarded any EPA Brownfields Cleanup Grants
3. Site Ownership
 - a. United States Department of the Interior Bureau of Indian Affairs Title Status Report
 - b. Resolution authorizing the assignment of physical addresses to each site
4. Basic Site Information
5. Status and History of Contamination at the Site
6. Brownfields Site Definition
7. Environmental Assessment Required for Cleanup Grant Applications
8. Enforcement or Other Actions
9. Sites Requiring a Property-Specific Determination
10. Threshold Criteria Related to CERCLA/Petroleum Liability
 - a. Property Ownership Eligibility - Hazardous Substances Sites
 - i. EXEMPTIONS TO CERCLA LIABILITY
 - (1) Indian Tribes
11. Cleanup Authority and Oversight Structure
12. Community Notification
 - a. Community Notification Documents
13. Statutory Cost Share
 - a. Letter from the Governor and forthcoming Resolution, authorizing the grant application and commitment of cost share

1. **Applicant Eligibility:** Please see the following letter verifying eligibility signed by the Governor of the Cheyenne and Arapaho Tribes, the approved Resolution authorizing Governor, Reggie Wassana, to execute certain contracts and verifying federal recognition of the Tribes, and the letter of support from the Governor.

OFFICE OF THE GOVERNOR

Reggie Wassana
Governor

Gilbert Miles
Lieutenant Governor



October 18, 2020

Mr. Paul Johnson
Brownfields Team
EPA Region 6
1445 Ross Avenue, Suite 200 (6SF-VB)
Dallas, TX 75202-2733

**RE: III.B THRESHOLD CRITERIA FOR CLEANUP GRANTS
1. APPLICANT ELIGIBILITY**

The Cheyenne and Arapaho Tribes are federally recognized and are eligible for funding in accordance with EPA policy.

Please feel to contact our office for any questions you may have at (405) 422-7733.

Respectfully,

A handwritten signature in blue ink, appearing to read "Reggie Wassana", is written over a faint, large watermark of the Cheyenne and Arapaho Tribes seal.

Reggie Wassana
Governor

SEVENTH LEGISLATURE
OF THE
CHEYENNE AND ARAPAHO TRIBES
2ND Special Session
February 27, 2018
Concho, OK

RESOLUTION: A Resolution to authorize Governor, Reggie Wassana to Execute Certain Contracts.

RESOLUTION NO: 7L-SS-2018-0227-005

DATE INTRODUCED: February 16, 2018

SPONSOR: Patrick Spottedwolf, A3 District

CO-SPONSOR: Burl Buffalomeat, C1 District

SUBJECT: A Resolution to authorize Governor, Reggie Wassana to Execute Certain Contracts; and

WHEREAS: The Cheyenne and Arapaho Tribes are a federally recognized Indian Tribes, organized under a Constitution approved by the Secretary of Interior on April 4, 2006; and

WHEREAS: Article VI, Section 5(a) of the Constitution vests Legislative power in the Tribes' Legislature to make laws and resolutions that are necessary and proper for the good of the Tribe's; and

WHEREAS: Article VII, Section 4(d) of the Constitution authorizes the Governor to negotiate contracts and sign contracts that have been approved by either the Legislature or the Tribal Council; and

WHEREAS: Article X, Section 1 of the Constitution empowers the Legislature to authorize a waiver of the Tribes' sovereign immunity provided the waiver is specific, for a limited scope and duration, and limited to a maximum of one-hundred thousand (\$100,000.00) dollars per party; and

WHEREAS: The Tribes operate numerous enterprises in addition to carrying out their governmental functions; and

WHEREAS: In the day-to-day business of the Tribes, the Governor is required to negotiate contracts for routine goods and services and litigation settlements that are beneficial to the Tribes and their enterprises; and

WHEREAS: The Governor currently presents contracts to the Legislature for approval once negotiations are complete; and

WHEREAS: Facilitating timely execution of negotiated contracts has necessitated numerous executive sessions, which sessions are costly, disruptive, and inefficient; and

WHEREAS: The Legislature deems it necessary and beneficial to authorize the Governor to execute certain classes of contracts without further intervention of the Legislature; and

NOW, THEREFORE BE IT RESOLVED, that notwithstanding any other provisions of tribal law, without first obtaining the approval by written resolution of the Legislature, the Governor shall have full authority to execute any contract or agreement that complies with the following restrictions:

(1) The agreement encompasses products or services incorporated within the approved annual budget, provided the agreement does not exceed the budgeted amount or one-hundred thousand (\$100,000.00) dollars, whichever is greater;

(2) Other agreements that neither exceed an initial term of 36 months nor exceed a face value of one-hundred thousand (\$100,000.00) dollars, and that encompass one or more of the following:

(a) The construction or purchase of buildings or any other improvements to real property or buildings thereon; and

(b) The agreements with any other Indian tribe or its agency, or any unit of federal, state, tribal, or local government for the routine provision of utilities, including not limited to water, sewer, electrical, and other goods; and

(c) The agreements related to the gaming operations including but not limited to service contracts, marketing (including concerts and similar public performances), transportation, lodging, and distribution; and

(d) The agreements relating to ordinary operational needs for tribal departments, agencies, boards, and commissions including, but not limited to office supplies; and

(e) The litigation settlements payable from insurance policies or gaming funds not to exceed one-hundred thousand (\$100,000.00) dollars; and

BE IT FURTHER RESOLVED, that the contracts otherwise permitted by this Resolution shall not include a waiver of the Tribes' sovereign immunity **UNLESS THE FOLLOWING RESTRICTIONS APPLY:**

(1) There are no other acceptable vendors for the given product or service, and the vendor requires a waiver; and

(2) The waiver does not permit the vendor to recover damages in excess of the amount of the contract, and in no event more than one-hundred thousand (\$100,000.00) dollars; and

- (3) The waiver is limited to claims arising only from acts or omissions of the Tribes or their enterprises which breach the contract; and
- (4) The enforcement under such contract is limited to the contracting party and does not extend to third parties; and
- (5) Any consent to suit requires the application of tribal law and is limited first to courts of the Cheyenne and Arapaho Tribes, or second, the United States District Court for the Western District of Oklahoma; and
- (6) The contract is expressly approved by the Tribes' legal counsel as to its form and contains such other conditions or limitations not inconsistent with this Section; and
- (7) Up to ten (10%) percent over the requested amount with notification and approval of the Speaker of the Legislature; and


BE IT FUTHER RESOLVED, that for purposes of this Resolution, the dollar amount limitations herein shall be interpreted to mean the aggregate dollar amount of any and all contracts related to a specific purchase, item, service, or project, except for contracts that, by their nature, are for ongoing services that will be billed to the Tribes monthly and may, over the life of the contract, ultimately exceed one-hundred thousand (\$100,000.00) dollars in value; and

BE IT FUTHER RESOLOVED, that any contract or action of the Governor which by its terms violates any provision of this Resolution shall be null, void, and unenforceable in its entirety including any provision for arbitration therein; and

BE IT FURTHER RESOLVED, that the Governor shall provide all vendors a copy of this authorization at the outset of negotiations; and

BE IT FURTHER RESOLVED, that this authorization contained herein shall expire at the end of Governor, Reggie Wassana's term, unless earlier withdrawn by the Legislature in a separate Resolution; and

BE IT FINALLY RESOLVED, that the Seventh Legislature of the Cheyenne and Arapaho Tribes authorizes Governor, Reggie Wassana to process and execute any and all contracts consistent with the intent of this Resolution.



Patrick Spottedwolf
Speaker of the Seventh Legislature
Seventh Legislature of the Cheyenne and Arapaho Tribes

ATTEST:

I, _____, Michelle BigFoot, Legislative Staff hereby certify that the foregoing is a True and Accurate Copy of the Original Resolution No. 7L-SS-2018-0227-005 which was acted upon by the Legislature of the Cheyenne and Arapaho Tribes in the Seventh Legislature 2ND Special Session, by a roll call vote on the 27TH day of February 2018, by a vote.

VOTE RECORD:

DISTRICT	LEGISLATOR	YES	NO	ABSTAIN	ABSENT
C1	Burl Buffalomeat	/			
C2	George Woods	/			
C3	VACANT				
C4	Byron Byrd			/	
A1	Billie Sutton	/			
A2	Kendrick Sleeper	/			
A3	Patrick Spottedwolf	/			
A4	Winslow Sankey				/
TOTAL		5	0	1	1
Passes <input checked="" type="checkbox"/> Fails () Tabled () Allowed to Die () No Action ()					

Printed Name: Michelle BigFoot

Signed Name: Michelle BigFoot

Title: Legislative Assistant

Date: 2/27/18

Legislative Staff, Seventh Legislature, Legislative Branch
Cheyenne and Arapaho Tribes



TRANSMITTAL OF DOCUMENTS:

From the Legislative Branch to the Executive Branch

Resolution No. 7L-SS-2018-0227-005 was submitted and received by the Governor's Office of the Cheyenne and Arapaho Tribes on the 1st day of March, 2018 at 12:47p o'clock AM/PM.

Printed Name: Tammy Rios

Signed Name: Tammy Rios

Title: Exp. Office Mgt.

Date: 3-1-18

Office of the Governor, Cheyenne and Arapaho Tribes

ATTEST:


Pursuant to Article VI, Section 7, subsection (a)(iv) of the Tribes Constitution reads in part: "All Bills passed by the Legislature shall be presented to the Governor for signature or veto."

Pursuant to Article VII, Section 4, subsection (g) of the Tribes Constitution reads: "The Governor shall have the power to sign any enactment passed by the Legislature into law or to veto any enactment passed by the Legislature within ten (10) days of passage with a written explanation of any objections; and if the Governor takes no action within ten (10) days, then the enactment shall become law in accordance with this Constitution."

{ ☒ } APPROVED

{ ☐ } VETOED: Attachment ____; Governor's written explanation of any objections.

On the 1st day of March, 2018.



Reggie Wassana, Governor
Cheyenne and Arapaho Tribes

2. **Previously Awarded Cleanup Grants:** Please see the following letter, signed by the Governor of the Cheyenne and Arapaho Tribes, verifying the Tribes have not been previously awarded any EPA Brownfields Cleanup Grants for the proposed site, Building 138.

OFFICE OF THE GOVERNOR

Reggie Wassana

Governor

Gilbert Miles

Lieutenant Governor



October 18, 2020

Mr. Paul Johnson
Brownfields Team
EPA Region 6
1445 Ross Avenue, Suite 200 (6SF-VB)
Dallas, TX 75202-2733

**RE: III.B. THRESHOLD CRITERIA FOR CLEANUP GRANTS
2. PREVIOUSLY AWARDED CLEANUP GRANTS**

The Cheyenne and Arapaho Tribes affirm that the proposed site, Building 138 (former boy's dormitory), located on the Concho Reserve has not received funding from a previously awarded EPA Brownfields Cleanup Grant.

Please feel to contact our office for any questions you may have at (405) 422-7732.

Respectfully,

A handwritten signature in blue ink, reading "Reggie Wassana", is written over a faint, large watermark of the Cheyenne and Arapaho Tribes seal.

Reggie Wassana
Governor

3. **Site Ownership:** The Cheyenne and Arapaho Tribes are the sole owner of the targeted site (Building 138) that is the subject of this Brownfields Cleanup Grant application. Please see the following title status report of the Concho Reserve, demonstrating ownership prior to the application deadline of October 28, 2020. In addition, please see the following Legislative Resolution# 7L-SS-2019-1105-006, authorizing the assignment of physical addresses to each site.

DATE: 2/17/2007
TIME: 13:09:49 CST

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
TITLE STATUS REPORT
TITLE INTERESTS HELD IN FEE OR TRUST

AGE: 2
REQUESTOR: MZUMWALT

-----TRACT ID-----

LAND AREA	PFX	NUMBER	SFX	TITLE PLANT	LAND AREA NAME	RESOURCES	-----DATE OF LAST----- CERTIFICATION/VERIFICATION
801	T	4004		ANADARKO	CHEYENNE & ARAPAHO	Both	8/4/1993

SEC	TOWNSHIP	RANGE	STATE	COUNTY	MERIDIAN	LEGAL DESCRIPTION	ACRES	CUMULATIVE ACRES	LAND DESCRIPTION NOTES REMARK OR EXPLANATION
24	013.00N	008.00W	OKLAHOMA	CANADIAN	Indian	<i>Concho</i>	80.000	3698.270	
25	013.00N	008.00W	OKLAHOMA	CANADIAN	Indian	<i>Concho</i>	180.000	3878.270	ENENW DOC SHOWS 3889.92 ACRES
TOTAL SECTION ACRES:							3878.270	3878.270	

TRB	NUM/DOB	TYP	OT	INT	CLS	TYP	NUMBER	NAME IN WHICH ACQUIRED SURNAME / FIRST NAME	FRACTION TRACT AS ACQUIRED	AGGREGATE SHARE CONVERTED TO LCD	AGGREGATE DECIMAL
801	T801010	T	T	A	10	SO	032201978	CHEYENNE-ARAPAHO TRIBES OF OK	1	1	1.0000000000
IN TRUST:										1	1.0000000000
IN FEE:										0	0
TOTAL:										1	1.0000000000

TITLE IS SUBJECT TO THE FOLLOWING ENCUMBRANCES AND NOTES:

NO TRACT NOTES FOUND

NO REALTY DOCUMENTS FOUND

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
TITLE STATUS REPORT
TITLE INTERESTS HELD IN FEE OR TRUST

1
GE: MZUMWALT
REQUESTOR:

-----DATE OF LAST-----
CERTIFICATION/VERIFICATION

LAND AREA NAME	RESOURCES
CHEYENNE & ARAPAHO	Both

5/26/1982

CHEYENNE-ARAPAHO TRIBE

*** TRACT NAME ***

SEC	TOWNSHIP	RANGE	STATE	COUNTY	MERIDIAN	LEGAL DESCRIPTION	ACRES	CUMULATIVE ACRES	LAND DESCRIPTION NOTES REMARK OR EXPLANATION
7	013.00N	007.00W	OKLAHOMA	CANADIAN	Indian	LOT 05-NW NW 29-630	29.630	29.630	

12 013.00N 008.00W OKLAHOMA CANADIAN Indian LOT 99-E NE 73.240 102.870

METES AND BOUNDS: ENE DESC AS BEG NE/C TH S06°25'25"E 2622.63'; TH N89°08'36"E 232.24'; TH S04°03'30"W 420.90'; TH S64°49'23"W 1193.98'; TH N01°21'07"W 911.11'; TH N89°08'36"E 212.31'; TH N11°47'24"E 2339.61'; TH NORTHEASTERLY ALONG A CURVE TO THE LEFT WITH A RADIUS OF 2192.01' A DIST OF 344.39'; TH N89°07'19"E 600.83' TO POB, CONTAINING 73.24 ACRES, M/L.

TOTAL SECTION ACRES: 102.870

TRB	NUM/DOB	TYP OT	INT CLS TYP	DOCUMENT ---	NAME IN WHICH ACQUIRED SURNAME / FIRST NAME	FRACTION TRACT AS ACQUIRED	AGGREGATE SHARE CONVERTED TO LCD	AGGREGATE DECIMAL
801	T801010	T	A	06	SO 031133978	1	1	1.000000000000
					CHEYENNE-ARAPAH0 TRIBES OF OK			
							IN TRUST:	1
								1.000000000000
							IN FEE:	0
								1.000000000000
							TOTAL:	1
								1.000000000000

DATE: 2/17/2007
TIME: 13:10:13 CST

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
TITLE STATUS REPORT
TITLE INTERESTS HELD IN FEE OR TRUST

PAGE: 1
REQUESTOR: MZUMWALI

-----TRACT ID-----

LAND

AREA PFX NUMBER SFX TITLE PLANT

801 T 4009 ANADARKO

CHEYENNE-ARAPAHO TRIBE

*** TRACT NAME ***

LAND AREA NAME

CHEYENNE & ARAPAHO

RESOURCES

Both

-----DATE OF LAST-----
CERTIFICATION/VERIFICATION

2/20/1985

SEC TOWNSHIP RANGE STATE OKLAHOMA COUNTY CANADIAN MERIDIAN Indian Concho LEGAL DESCRIPTION LOT 06-NW NW 10.480
7 013.00N 007.00W 007.00W OKLAHOMA CANADIAN Indian Concho LOT 07-NW SW 48.700
LOT 02-SW NW 89.330
LOT 04-SW SW 130.800
CUMULATIVE ACRES 206.620
LAND DESCRIPTION NOTES
REMARK OR EXPLANATION

12 013.00N 008.00W OKLAHOMA CANADIAN Indian Concho LOT 99-E SE 23.700
E of RR Tracts LOT 02-NE SE 40.000
194.500

METES AND BOUNDS: LOT 2 IN ESE DESCRIBED AS BBG SE/C SE/4 TH S89D56'W
20.23 CHAINS; TH N0D08'WEST 25.95 CHAINS; THENCE N65D40'E 18.09 CHAINS;
TH N01D47'E 6.377 CHAINS; TH S89D56'E 3.5 CHAINS; TH S0D10'W 39.78
CHAINS TO POB, CONT 63.70 ACS M/L

13 013.00N 008.00W OKLAHOMA CANADIAN Indian Concho LOT 02-NE SE 12.120
206.620
TOTAL SECTION ACRES: 206.620

-----OWNER----- DOCUMENT --- NAME IN WHICH ACQUIRED FRACTION TRACT AS ACQUIRED AGGREGATE SHARE AGGREGATE
TRB NUM/DOB TYP OT INT CLS TYP NUMBER SURNAME / FIRST NAME DECIMAL
801 T801010 T T A 06 SO 021906984 CHEYENNE-ARAPAHO TRIBES OF 1 1 1.000000000000
OK

IN TRUST:

IN FEE:

TOTAL:

SEVENTH LEGISLATURE
OF THE
CHEYENNE AND ARAPAHO TRIBES
25TH Special Session
November 5, 2019
Large Conference Room, Concho, OK

RESOLUTION:	A Resolution to assign physical addresses to four buildings on the Concho Reserve and former Concho School Properties.
RESOLUTION NO:	7L-SS-2019-1105-006
DATE INTRODUCED:	October 30, 2019
SPONSOR:	Patrick Spottedwolf, A3 District
CO-SPONSOR:	Burl Buffalomeat, C1 District

LEGISLATIVE HISTORY:

[NOTE: Except as otherwise noted, the provisions of this Resolution, were enacted into Law by the Seventh Legislature of the Cheyenne and Arapaho Tribes, in the 25TH Special Session, by a roll call vote on November 5, 2019 by Res. No. 7L-SS-2019-1105-006].

- SUBJECT:** A Resolution to assign physical addresses to four buildings on the Concho Reserve and former Concho School Properties
- WHEREAS:** The Cheyenne and Arapaho Tribes are federally recognized Indian Tribes, organized under a Constitution approved by the Secretary of the Interior on April 4, 2006, and
- WHEREAS:** The Legislature has the Constitutional obligation and public responsibility to the Tribes to oversee the Tribes' operations in order to establish and promote justice, establish guidance and direction for the government and advance the general welfare of the Tribes; and
- WHEREAS:** Article VII, Section 4(d) of the Constitution requires that the Legislature or Tribal Council give prior authorization for the signing of contracts by the Governor; and
- WHEREAS:** Article VI, Section 7(a) of the Constitution, the Legislative Process provides that all Bills shall be published in a Legislative Calendar for at least thirty days prior to action on Bill; and
- WHEREAS:** The Seventh Legislature finds that it is necessary and proper to assign physical addresses to four buildings (sites) on the Concho Reserve, in order to seek federal grant funding for these sites; and
- WHEREAS:** The Legislative Clerk published the Resolution authorizing the assignment of physical addresses for four buildings on the Concho Reserve and former Concho School Properties in the Legislative Calendar on November 5, 2019; and
- WHEREAS:** The purpose of the assignment of physical addresses is to seek federal funding to address the environmental conditions of four (4) sites located on the Concho

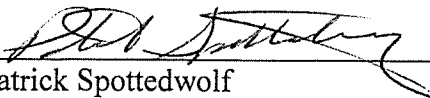
Reserve, because the existing facilities have been identified as containing hazardous substances (asbestos-containing materials and lead-based paint) and to be structurally dilapidated and deemed unsafe and a physical address is required for each site; and

WHEREAS: The physical addresses to be assigned include the following four (4) sites:

1. Building 10, former Post Office
106 E. Whirlwind Rd.
Concho, OK 73022
2. Building 11, former Treatment Center/Office Space
112 E. Whirlwind Rd.
Concho, OK 73022
3. Building 138, former Boy's Dorm
451 N. White Antelope Rd.
Concho, OK 73022
4. Building 139, former Girls' Dorm
375 N. White Antelope Rd.
Concho, OK 73022; and

NOW THEREFORE BE IT RESOLVED that the Seventh Legislature of the Cheyenne and Arapaho Tribes, pursuant to Article VII, Section 4(d) of the Cheyenne and Arapaho Tribal Constitution, does hereby approve and support the assignment of the above physical addresses to four buildings on the Concho Reserve and former Concho School Properties; and

BE IT FINALLY RESOLVED that the Seventh Legislature of the Cheyenne and Arapaho Tribes authorizes Governor Reggie Wassana to sign all contracts and related documents for the assignment of the aforementioned physical addresses.




Patrick Spottedwolf
Speaker of the Seventh Legislature
Seventh Legislature of the Cheyenne and Arapaho Tribes

ATTEST:

I, Corrine Morton, Corrine Morton, Legislative Staff, hereby certify that the foregoing is a True and Accurate Original Resolution No. 7L-SS-2019-1105-006 which was acted upon by the Legislature of the Cheyenne and Arapaho Tribes in the Seventh Legislature 25TH Special Session, by a roll call vote on the 5TH day of November 2019, by a vote.

VOTE RECORD:

DISTRICT	LEGISLATOR	YES	NO	ABSTAIN	ABSENT
A1	Billie Sutton	X			
A2	Kendricks Sleeper	X			
A3	Patrick Spottedwolf	X			
A4	Winslow Sankey	X			
C1	Burl Buffalomeat	X			
C2	George Woods	X			
C3	Sonny Redshin	X			
C4	Byron Byrd	X			
TOTAL		8			
Passes <input checked="" type="checkbox"/> Fails () Tabled () Allowed to Die () No Action ()					



Corrine Morton, Legislative Staff
Seventh Legislature, Cheyenne and Arapaho Tribes



TRANSMITTAL OF DOCUMENTS:

From the Legislative Branch to the Executive Branch

True and Accurate Original Resolution No. 7L-SS-2019-1105-006 was submitted and received by the Governor's Office of the Cheyenne and Arapaho Tribes on the 5th day of November, 2019 at 2:30 o'clock AM/PM PM

ATTEST:


Pursuant to Article VI, Section 7, subsection (a)(iv) of the Tribes Constitution reads in part: "All Bills passed by the Legislature shall be presented to the Governor for signature or veto."

Pursuant to Article VII, Section 4, subsection (g) of the Tribes Constitution reads: "The Governor shall have the power to sign any enactment passed by the Legislature into law or to veto any enactment passed by the Legislature within ten (10) days of passage with a written explanation of any objections; and if the Governor takes no action within ten (10) days, then the enactment shall become law in accordance with this Constitution."

{ 2 } APPROVED

{ } VETOED: Attachment ____; Governor's written explanation of any objections.

On the 5th day of November, 2019.



Reggie Wassana, Governor
Cheyenne and Arapaho Tribes

4. Basic Site Information:

Building 138

- b. Name of the site: Concho School Property, Building 138
- c. Address of the site: 451 N. White Antelope Road Concho, OK 73022-0167
- d. Current Owner of the site: The Cheyenne and Arapaho Tribes

5. **Status and History of Contamination at the Sites:**

Building 138

- a. Building 138 is contaminated by the hazardous substances of asbestos-containing materials (ACMs) and lead-based paint (LBP).
- b. This site was constructed in 1967 and originally used as the boys' dormitory of the Concho School Property (CSP). The site was in operation as a dormitory from 1969 until 1981, when it was closed due federal funding cuts and the need for several repairs. The site has been unoccupied and dormant for several years.
- c. Environmental concerns at the site include the presence of ACMs and LBP and the potential for exposure to the surrounding community. The results of the Brownfields Pilot Project (2003), Phase I ESA (2016), Phase II ESA (2018), and Phase II ESA Updates (2019 and 2020) confirmed the presence of these contaminants of concern (COCs) throughout the site, internally and externally, above regulatory limits/thresholds.
- d. LBP, which is found in buildings built before 1978, can become damaged and create dust that can be carried home by workers to children and potentially cause serious negative health effects. Asbestos was the ideal material to use from the early 1900s to the 1970s because it was inexpensive, durable, flexible and naturally acted as an insulating and fireproofing agent. Construction and manufacturing companies used ACMs whenever possible. Asbestos, both friable and non-friable, can be a concern when damaged, as it becomes airborne, and can serious lung problems such as Mesothelioma and Asbestosis. The nature and extent of the contamination is significant due to the current condition and location of the site. Building 138 is easily accessible with no fences or locked doors to prevent children, adults, and animals from entering. The site is near several residential homes, a childcare facility, a youth shelter, an Indian Child Welfare Program, basketball court, baseball field, and a Head Start school. In addition, hundreds of employees work on the Concho Reserve in close relation to the site. The site contains paint peeling from the ceiling, walls, and other areas. Broken windows, falling ceilings, damaged flooring, and other structural damage has led to little protection from natural weatherization and has further expedited contamination and dilapidation. The site became contaminated after decades of exposure to these elements and vandalism.

6. **Brownfields Site Definition:** The proposed site of the former Concho School Property, Building 138, meets the definition of a brownfield under CERCLA § 101(39). The Tribes hereby affirm that the site that is the subject of this application is:
- a. not listed or proposed for listing on the National Priorities List;
 - b. not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and
 - c. not subject to the jurisdiction, custody, or control of the U.S. government.

7. **Environmental Assessment Required for Cleanup Grant Applications:** The Inter-Tribal Environmental Council (ITEC) conducted a Phase I and Phase II ESA for the Cheyenne and Arapaho Tribes (Tribes) for the Concho School and Reserve Properties, inclusive to the site, Building 138. The Phase I ESA conducted at the subject site was in general accordance with ASTM Standard E1527-13. The Phase II ESA was prepared in general accordance with the American Society of Testing Materials (ASTM) Standard Practices for Environmental Site Assessments: Phase II ESA Process E1903-11 (ASTM E1903-11). Phase I and II ESAs were completed prior to the proposal submission: Phase I completed in March 2016; Phase II ESA completed in September of 2018. The purpose of the Phase I ESA was to evaluate current and historical conditions of the properties in an effort to identify recognized environmental conditions (RECs). The purpose of the Phase II ESA was to evaluate the potential presence of the RECs and environmental concerns identified in the CSP Phase I ESA. For the purposes of maintaining accurate and relevant data, a Phase II ESA Update Report was completed in November 2019 by Crystal Creek Environmental, LLC, and again on October 23, 2020 following **ASTM Standard E1903-19** after investigations on both sites were conducted and remedial action plans were determined. Several buildings, including Building 138, were found to have significant environmental concerns which pose risks to the community, the environment, the property owner, and anyone encountering the sites identified.

8. **Enforcement or Other Actions:** Currently, there are no known ongoing or anticipated environmental enforcement or other actions related to the proposed site for which Brownfields Cleanup Grant funding is being sought. ITEC, Crystal Creek Environmental, and Kelly Parker, P.E. have made the Tribes aware of the responsibility to remediate health, safety, and environmental concerns associated with the contaminants within the targeted brownfield site. The Tribes take the responsibility to rectify exposure to contamination and hazardous substances very seriously and are eager to move forward with the remediation of the target site to protect human health and the environment.

9. **Sites Requiring a Property-Specific Determination:** Building 138 does not require a property-specific determination because this site does not belong to the special classes of property that require a Property-Specific Determination as determined by Section 1.5 in the Information on Sites Eligible for Brownfields Funding under CERCLA § 104(k).

10. **Threshold Criteria Related to CERCLA/Petroleum Liability:**

- a. **Property Ownership Eligibility – Hazardous Substance Sites:** The Cheyenne and Arapaho Tribes are considered an Indian tribe and are therefore exempt from demonstrating that the requirements of a CERCLA liability defense are met.

11. **Cleanup Authority and Oversight Structure:** The Cheyenne and Arapaho Tribes will comply with all applicable federal and state laws and ensure that each cleanup project protects human health and the environment. The Tribes have been actively engaged in planning a reuse plan with Inter-Tribal Environmental Council (ITEC) and Kansas State University (KSU) TAB. The Tribal EPA Program has been involved with the abandoned school sites since 2003, when the Concho School was involved in the EPA Brownfields Demonstration Pilot Program. The Concho School went through many stages for reuse. The Tribal Economic Development Program remediated the asbestos and lead paint in Building 134, which now serves as the Education Department offices. Extensive renovation went into bringing this building into useable office space. The Tribal EPA Director met a contractor in late September 2017, January 2019, and again in October 2019 to reassess the former Concho School Property sites and obtain an updated engineering report, an ESA Phase II Update Report, and a draft ABCA for each of the proposed sites awarded for cleanup funding in FY20, Buildings 10 and 11. The Tribal EPA Director met with a contractor again in October 2020 to obtain a draft ABCA for the FY21 proposed cleanup site, Building 138.

The cleanup project for Building 138 will be accomplished by meeting the tribal procurement guidelines and by complying with the competitive procurement provisions of 2 CFR §§ 200.317 through 200.326. This would be accomplished by meeting the tribal procurement guidelines to advertise for qualified and licensed firms that have the experience and authority to complete cleanup projects for the site identified on the Phase II ESA done by ITEC, as well as the Phase II Update and draft ABCA completed by Crystal Creek Environmental. Grant funds will be used for the most responsive and responsible bidder, with preference given to Native American firms or MBE/WBE. The Tribal EPA Program will procure a properly licensed contractor to remove hazardous building materials (e.g., asbestos, lead-based paint) to dispose of properly. After an award has been made, several meetings will be scheduled to discuss requirements, safety protocols and health issues, air and soil contamination, public safety, monitoring, and progress.

The Tribes' EPA Program will take the lead to assist with the oversight and reporting of the cleanup and daily monitoring by the awarded, licensed company. Safety meetings will be scheduled to outline the needed precautions to take prior of any activity for the specified building. ITEC will be contacted to inform the Brownfields Program of the activities. ITEC, if needed, will be contacted for on-site Technical Assistance (TA). KSU TAB will be contacted for TA, if needed. Tribal members, staff, tenants, and visitors will be notified by the Tribes if there are any potential impacts or if access is needed to adjacent or neighboring properties.

12. Community Notification: The Cheyenne and Arapaho Tribes have obtained a draft ABCA for Building 138 and have provided the community with a notice of its intent to apply for an EPA Brownfields Cleanup Grant for this site through local flier distribution, social media outlets, and global employee email distribution. Due to the widespread COVID-19 pandemic, the Tribes conducted an online community Zoom presentation to provide community notification. The Tribes have met all requirements as outlined in the FY21 Guidelines for Brownfield Cleanup Grants, allowed the community an opportunity to comment, responded accordingly, and submitted all EPA required documentation. Please see the following documents, as evidence of Community Notification.

ATTACHMENT : BUILDING 138 ABCA

**DRAFT ANALYSIS OF BROWNFIELDS CLEANUP ALTERNATIVES
FOR
CONCHO RESERVE AND SCHOOL PROPOERTIES - BUILDING 138
CONCHO, CANADIAN COUNTY, OKLAHOMA**

Prepared for:

CHEYENNE AND ARAPAHO TRIBES
P.O. Box 167
100 Red Moon Circle
Concho, OK 73022

Prepared by:

Crystal Creek LLC
Michael Jenkinson, P.E.
Environmental Engineer
7909 NW 39th Street
Bethany, Oklahoma 73008

Date Prepared

October 23, 2020

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APPENDIX A SOLID WASTE LANDFILLS APPROVED TO ACCEPT FRIABLE
ASBESTOS WASTE

LIST OF ACRONYMS

ACBA	Analysis of Brownfields Cleanup Alternatives
ACM	asbestos-containing material
AL	action level
AQCC	Air Quality Control Commission
AHERA	Asbestos Hazard Emergency Response Act
APCD	Air Pollution Control Division
ASTM	American Society for Testing and Materials
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CH	Chrysotile
COC	contaminant of concern
CPSC	Consumer Product Safety Commission
EC	engineering control
EPA	United States Environmental Protection Agency
ESA	environmental site assessment
f/cc	fibers per cubic centimeter
HMWMD	Hazardous Material and Waste Management Division
IC	institutional control
ID	identification
LBP	lead-based paint
LF	linear feet
N/A	Not Applicable
O&M	Operations and Maintenance
ODOL	Oklahoma Department of Labor
OSHA	Occupational Safety and Health Administration
PEL	Permissible Exposure Limit
P.G.	Professional Geologist
PLM	polarized light microscopy
RACM	regulated asbestos-containing material
sq. ft.	square feet
START	Superfund Technical Assessment and Response Team
SOO	Statement of Objectives
TDD	Technical Direction Document
TSI	thermal system insulation

SUMMARY

Crystal Creek LLC was tasked to conduct a Phase II Environmental Site Assessment (ESA) update and cleanup alternatives analysis at Concho Reserve and Concho School Properties. The site is located at Building 138, 451 N. White Antelope Road, Concho, Oklahoma 73022. Previous ACM and LBP testing was conducted in Buildings 138 by Crystal Creek Environmental Solutions, Incorporated (Inc.) for a Brownfields Pilot Project that was completed in October 2003. Inter-Tribal Environmental Council (ITEC) Inter-Tribal Brownfields Response Program (IBRP) conducted a Phase II Environmental Site Assessment (ESA) for the Cheyenne & Arapaho Tribes on the Concho School and Reserve Properties on September 21, 2018. Crystal Creek LLC, an Oklahoma licensed engineer firm, updated the Phase II ESA report on October 31, 2019 update October 23, 2020. The *Phase II Environmental Site Assessment for Concho Reserve and Concho School Properties – Building 138, Concho, Oklahoma*, details the work performed, methods used, information and data acquired, and evaluation and interpretation of results as part of the Phase II ESA. This draft Analysis of Brownfields Cleanup Alternatives is based upon the information presented in the Brownfields Pilot Project, Phase II ESA and Phase II ESA update report, and is for Building 138.

SCOPE OF CLEANUP

Based upon the results of the Phase II ESA conducted, the specific concerns addressed in this conceptual cleanup alternatives analysis for the Site include:

- A. Asbestos-containing materials (ACM) identified at the Site
- B. Lead-Based Paint components (LBP) identified at Site.

EVALUATION CRITERIA

Cleanup alternatives considered as part of this analysis were evaluated against the following criteria:

- Compliance;
- Effectiveness;
- Difficulty of Implementation;
- Cost.

PREFERRED ALTERNATIVE SELECTED

Of the three cleanup alternatives evaluated for selection at the Concho Reserve – Building 138 located at 451 N. White Antelope Road, Concho, Oklahoma, the preferred alternative recommended is:

- **Alternative 3: Wet Demolition of Structure to Safely Remove All ACM and LBP**

This alternative was selected based upon overall compliance with state and/or federal regulations, the ability to protect human health and the environment in both the short-term and long-term, feasibility of implementation, and cost effectiveness. This alternative is the best option for the detailed plans for renovation that have already been developed.

The estimated wet demo/remediation of the Site will cost approximately **\$345,000**. This value is an estimate to remove and dispose of the all waste as ACM and LBP. These costs presented are engineering estimates costs remediate the facility.

Actual bids from companies to perform the work may vary from this estimate depending on local conditions and other factors outside of the assessor's knowledge. Final design specifications, features, and cost of the actual remedy may differ from the conceptual design presented. A detailed conceptual cost estimate breakdown for the total shown below is presented on Table 1.

Remediation Task	Remediation Cost
ACM and LBP Removal and Disposal	\$300,000.00
Total	\$300,000.00

This summary is a general description of the cleanup alternatives analysis for the Site. This section is not intended to be a used alone and does not include the basis of all conclusions presented. The report should be read and used in its entirety and in conjunction with the Brownfields Pilot Project, Phase II ESA and Phase II Update report. Information included in this section is subject to the scope of services and limitations noted in the full ABCA, Brownfields Pilot Project, Phase II ESA and Phase II Update report.

1.0 INTRODUCTION

Crystal Creek LLC was tasked to conduct a Phase II Environmental Site Assessment (ESA) Update and cleanup alternatives analysis at Concho Reserve and Concho School Properties. The site is located at Building 138 (former boys dorm 1-story building) 451 N. White Antelope Road, Concho, OK 73022 (Site). The Phase II ESA Update report, Phase II Environmental Site Assessment Update for Concho Reserve and Concho School Properties – Building 138, Concho, Oklahoma, details the work performed, methods used, information and data acquired, and evaluation and interpretation of results as part of the Phase II ESA Update. This cleanup alternatives analysis report is based upon the information presented in the previous Brownfields Pilot Project (2003) by Crystal Creek Environmental Solutions, Phase II Environmental Site Assessment (ESA) Inter-Tribal Environmental Council (ITEC) Incorporated (Inc.) (2018). This draft Analysis of Brownfields Cleanup Alternatives is based upon the information presented in the Brownfields Pilot Project, Phase II ESA and Phase II ESA Update report, and is for Building 138 only.

1.1 Background

The Concho School Property and Concho Reserve consist of approximately 120 acres which has forty-one (41) commercial buildings located west off of Highway 81 approximately 8 miles north of El Reno, Oklahoma. . The Concho School Property contains the requested six (6) buildings which are included in the Phase II Update. The buildings requested are as follows:

1. Building 10 (Post Office)
2. Building 11 (Offices)
3. Building 135 (Storm Shelter)
4. Building 138 (Boy's Dorm)
5. Building 139 (Girl's Dorm)
6. Building 140 (Boiler Room)

Previous ACM and LBP testing was conducted in Building 138 by Crystal Creek Environmental Solutions, Incorporated (Inc.) for a Brownfields Pilot Project that was completed in October 2003. The Pilot Project Report identified ACMs and LBP in both buildings. No additional testing was conducted in those buildings by ITEC staff of the Phase II (2018), Phase II Update (2019) & Phase II Update (2020)

Building 138 is approximately 24,168 sq ft and is unoccupied. It was used as a boy's dormitory. The interior structure is dilapidated. Kelly Parker, P.E. Conducted an Engineering Repairability vs Demolition Inspection of Building 138. The engineering inspection determined the buildings were in dilapidated condition and would expose the abatement workers to hazardous working conditions and therefore, Mr. Parker, P.E. identified wet demolition to be the only economically and safe method to remove the ACM and LBP.

The ground surface at the site slopes to the East Southeast. Groundcover consists primarily of native grasses, trees, landscaped areas, paved parking areas, and concrete sidewalks. The property can be accessed from Black Kettle Boulevard approximately 2.3 miles west of the intersection of Black Kettle Blvd, and Highway 81.

1.2 Summary of Phase II ESA Results

The Phase II ESA and Phase II ESA Update were conducted in accordance with *ASTM International – Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process E1903 and E1903-15*. The Phase II ESA Update (2020) was conducted in accordance with *ASTM International – Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process E1903-19*. The results of the Phase II ESA and Phase II ESA Update’s confirmed the presence of contaminants of concern (COCs) at the Site. The following list is a summary of the conclusions regarding COCs and associated media identified at the Site that are addressed in this cost estimate:

ACM: Of the samples submitted for laboratory analysis, fourteen samples were reported as “positive” (>1% asbestos) for asbestos. Asbestos was identified in the throughout Building 138. ACM is considered to be a contaminant of concern (COC) in relation to the Site. The asbestos floor tile throughout this building is damage and is considered a RACM. The following table indicates the location and estimated extent of ACM identified at the Site.

ASBESTOS CONTAINING MATERIALS							
Description	Room(s) or Location(s)	Friable/Non-Friable	Percent Asbestos	Condition	Quantity	Hazard Rank	Sample IDNumbers
White Insulation	Building 138	Friable	10% CH	Poor	96 LF	7	138-135-103
Beige Insulation	Building 138	Friable	20% CH	Poor	63 LF	7	138-135-104
Beige Insulation	Building 138	Friable	25% CH	Poor	63 LF	7	138-123-105
Beige Floor Tile	Building 138	Non- Friable	4% CH 5% CH 4% CH	Damaged	5,300 SF	4	138-138-116 138-122-117 138-110-118

Black Mastic	Building 138	Non- Friable	3% CH	Good	5,300 SF	4	138-138-116A
			4% CH				138-122-117A
			5% CH				138-110-118A

Notes:
LF – linear feet
SF – square feet
CH – Chrysotile

LBP - The inspection of Building 10 was conducted following the U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing with the 1997 revisions and all State and Local regulations. The standard for lead-based paint as per HUD/EPA and the State of Oklahoma Department of Environmental Quality standard of 1.0 mg/cm² was followed. All requirements for the NITON XRF usage contained in the Performance Characteristics Sheet for the specific XRF were followed. . LBP was identified in the throughout Building 138. LBP is considered to be a contaminant of concern (COC) in relation to the Site.

Interior Materials – Building 138

The following interior tested painted surfaces (homogeneous areas) were found to contain lead in a concentration greater than the federal threshold of 1.0 mg/cm² of surface as measured by a XRF:

Lead-Based Paint <1.0 mg/cm ² of surface as measured by a XRF		
Material Description	Location	Condition
Beige metal rail and components	Building 138 exterior	Poor
White drywall walls	Building 138, Room 102	Poor
White concrete walls	Building 138, Room 102	Poor
White metal window components	Building 138, Room 102	Poor
White drywall walls	Building 138, Room 140	Poor

White concrete walls	Building 138, Room 140	Poor
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* As per HUD LBP criteria of 0.5% by weight

** Disturbance of these paint coatings may require special work practices as per OSHA

Exterior Materials – Building 10

The following exterior tested painted surfaces (homogeneous areas) were found to contain lead in a concentration greater than the federal threshold of 1.0 mg/cm² of surface as measured by a XRF:

Material Description	Location	Condition
Beige metal rail and components	Building 138 exterior	Poor

Any construction activities which affect these paint films--including sanding and demolition--must be initiated by workers wearing respiratory protection and who have received proper training in the handling of lead contaminated materials.

1.3 Cleanup Scope and Goals

Based upon the results of the Phase II ESA conducted, the specific concerns addressed in this conceptual cleanup alternatives analysis for the Site include:

A. ACM & LBP identified at the Site

The overall purpose of a cleanup at the Site is to allow the property to be redeveloped while mitigating the risk that COCs currently present at the Site pose to human health and the environment. The cleanup goal(s) for the Site are listed below:

- Remove and dispose of COCs to allow for redevelopment of the property;
- Conduct cleanup operations that are compliant with applicable local, state, and federal standards that will protect human health and the environment;
- Implement cleanup alternative(s) that are practical and effective in mitigating COCs to protect human health and the environment in both the short-term and long-term.

2.0 EVALUATION CRITERIA FOR ALTERNATIVES

Each of the potential cleanup alternatives is evaluated against the following set of four criteria:

2.1 Compliance

Compliance with applicable state, federal and tribal regulations.

2.1.a Cleanup Oversight Responsibility

As no specific contractors have been selected to conduct remedial activities at the Site, it is recommended that the following regulations be followed and qualifications be held by the remedial contractor(s) selected to oversee and/or implement the following remediation tasks and activities:

ACM Remediation

All aspects of ACM Cleanup Oversight must be conducted in accordance with Asbestos NESHAP is found in 40 CFR Part 61, Subpart M and DEQ has the delegated responsibility to regulate this NESHAP in Oklahoma and Oklahoma Department of Labor, Oklahoma Asbestos Control Act 40 O.S. § 450, et seq. Abatement of Friable Asbestos Materials Rules OAC 380:50

When selecting firm(s) and/or individuals to utilize, it is recommended that the following certifications be verified, at a minimum:

- 1) State of Oklahoma licensed Management Planner to perform:
 - Development of asbestos project designs;
 - Air monitoring for asbestos fibers;

- 2) State of Oklahoma license Asbestos Contractor.

LBP Abatement

All aspects of LBP Cleanup Oversight must be conducted in accordance with OSHA Lead in Construction Standard found in 29 CFR Part 1926.62 and DEQ, OAC 252:110 Lead-Based Paint Management, which implements the OK Lead-Based Paint Management Act. When selecting firm(s) and/or individuals to utilize, it is recommended that the following certifications be verified, at a minimum:

- 3) State of Oklahoma license Lead-Based Paint Risk Assessor to perform:
 - Development of LBP abatement plan;
 - Air monitoring for lead dust;
- 4) State of Oklahoma license LBP Risk Assessor.

2.1.b Cleanup Standards for Cotaminants

The following standards are recommended to be met during the remediation tasks and activities:

ACM Remediation

Cleanup levels for ACM remediation must meet standards in accordance with Oklahoma Department of Labor, Oklahoma Asbestos Control Act 40 O.S. § 450, et seq. Abatement of Friable Asbestos Materials Rules OAC 380:50. Examples of applicable standards include:

Asbestos Action Levels		
Asbestos Sample	Regulatory Action Level	Source of Regulation
Regulated Asbestos-Containing Material (RACM) – Bulk Materials	>1% asbestos	Asbestos Hazard Emergency Response Act (AHERA)
Asbestos Air Monitoring - Workers	0.1 fibers/cubic centimeter (f/cc) (action level [AL])	Occupational Safety and Health Administration (OSHA) & ODOL OAC 380:50
	0.2 f/cc (Permissible Exposure Level [PEL])	OSHA and ODOL OAC 380:50
Asbestos Air Monitoring – Final Clearance	0.01 f/cc	AHERA and Oklahoma Department of Labor (ODOL), Oklahoma Asbestos Control Act 40 O.S. § 450, et seq. Abatement of Friable Asbestos Materials Rules OAC 380:50

A list of solid waste landfills approved to accept friable asbestos waste is provided in Appendix A.

LBP Remediation

Cleanup levels for LBP remediation must meet standards in accordance with OSHA Lead in Construction Standard found in 29 CFR Part 1926.62 and DEQ OAC 252:110 Lead-Based Paint Management. Examples of applicable standards include:

LBP Action Levels		
LBP Sample	Regulatory Action Level	Source of Regulation
Lead-Based Paint	1.0 mg/cm ²	EPA, 40 CFR Part 745
Lead in Air Monitoring - Workers	30 µg/m ³ (action level [AL])	Occupational Safety and Health Administration (OSHA) & DEQ OAC 252:110
	50 µg/m ³ (Permissible Exposure Level [PEL])	OSHA and DEQ OAC 252:110

2.1.c Laws & Regulations Applicable to Cleanup

The following laws and regulations are mandatory and/or recommended to be followed during the cleanup tasks and activities:

ACM Abatement

- Oklahoma Department of Labor, Oklahoma Asbestos Control Act 40 O.S. § 450, et seq. Abatement of Friable Asbestos Materials Rules OAC 380:50 – Governs LBP abatement and disposal in Oklahoma.
- Asbestos NESHAP is found in 40 CFR Part 61, Subpart M and DEQ has the delegated responsibility to regulate this NESHAP in Oklahoma – Governs the disposal of asbestos waste and the management of asbestos contamination.

LBP Abatement

- Oklahoma Department of Environmental Quality, DEQ OAC 252:110 Lead-Based Paint Management, which implements the OK Lead-Based Paint Mangement Act.
- OSHA Lead in Construction Standard found in 29 CFR Part 1926.62 – Governs the lead in air for abatement and construction.

2.2 Effectiveness

- Protection of human health and the environment, including workers during implementation;
- Feasibility for mitigation of risk in the short-term and long-term effectiveness;
- Complete removal of contaminants;
- Achievability of the cleanup goals;

2.3 Difficulty of Implementation

- Technical feasibility;
- Availability of work force, materials, and equipment;
- Administrative ability;
- Construction feasibility;
- Maintenance and monitoring requirements.

2.4 Cost (Conceptual costs for comparative analysis only)

- Time requirements, materials, equipment, labor and waste disposal locations.

The selection of “effectiveness”, “feasibility”, and “cost” as evaluation criteria is based upon the EPA’s *Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA* (EPA, 1988). In addition, the selection of “compliance” as an evaluation criterion is used to take into account variations between federal, state, and/or local regulations, if applicable, on a site-by-site basis.

3.0 CLEANUP ALTERNATIVES FOR EVALUATION

Listed below is the specific cleanup alternatives evaluated based upon the results of the Phase II ESA conducted at the Site. In addition, alternatives considered, but not evaluated due to site-specific factors which eliminated the alternative from further analysis are also listed, if applicable.

3.1 Cleanup Alternatives Evaluated

The following removal action alternatives were considered as part of this evaluation.

- Alternative 1: **No Action**
- Alternative 2: **Removal of Friable ACM and Implement Operations, Maintenance (O&M) for non-friable ACM and Abatement of LBP.**
- Alternative 3: **Removal of All ACM and LBP as A Wet Demolition.**

4.0 COMPARATIVE ANALYSIS OF CLEANUP ALTERNATIVES

The potential cleanup alternatives for the Site were evaluated using the evaluation criteria described in Section 2. General descriptions of the conceptual design of each alternative are described below. Discussions of the pros and cons of each alternative are presented in the following subsections. Final design specifications and features of the actual remedy may differ from the conceptual design described herein.

Alternative 1: No Action

The No Action alternative would involve leaving the Site in its current state. There would be no removal, containment, engineering control (EC), or institutional control (IC) actions implemented. The No Action alternative provides a baseline against which other alternatives can be compared. A consideration of risk is taken into account if no action is taken as opposed to implementing a cleanup action.

Alternative 2: Removal of Friable ACM, O&M non-friable ACM and Abatement of LBP

Alternative 2 consists of remediating the building by removing and disposing of friable ACM and LBP at the Site. It would be recommended that development and implementation of an Operations and Maintenance (O&M) Plan for non-friable ACM and LBP.

Alternative 3: Removal of All ACM and LBP

Alternative 3 consists of removing and disposing of all ACM and LBP.

4.1 Compliance

Alternative 1 (No Action) would not be compliant with state and/or federal regulations for the Site in its current condition due to the presence and condition of the known COCs.

Alternative 2 (Removal of Friable ACM, O&M non-friable ACM and Abatement of LBP), The alternative is not implementable based on the dilapidated condition of this building. Therefore, the building will not be compliant with all applicable state and/or federal regulations. Kelly Parker, P.E. conducted an Engineering Repairability vs Demolition Inspection of Building 11. The engineering inspection determined the building is in dilapidated condition and would expose the abatement workers to hazardous unsafe working condition. Therefore, this alternative is not feasible based on unsafe working conditions.

Alternative 3 (Wet Demolition of Building and All ACM and LBP), this alternative if implemented properly, will be compliant with all applicable state and/or federal regulations.

Based upon the three alternatives evaluated, Alternative 3 is compliant with applicable state and/or federal regulations and only Alternative 3 would not require long-term ongoing activities.

4.2 Effectiveness

Alternative 1 (No Action) will not reduce the potential for exposure of human health and the environment to COCs or provide a reduction in the toxicity, mobility, or volume of contaminants as site conditions will remain as they are now. The estimated risk from COCs to potential receptors would not be decreased in the long-term. Changes in climate will alter the risk associated with this alternative. Climate change for this area predicts more violent and frequent storms which will cause further deterioration of the facility and COC's. The No Action alternative would not achieve the cleanup goals set for the Site in the short-term or long-term or achieve a reuse outcome for the property.

Alternative 2 (Removal of Friable ACM, O&M non-friable ACM and Abatement of LBP) will not be effective in the short-term and long-term due to the condition of the facility. The structure is dangerously dilapidated. Kelly Parker, P.E. Conducted an Engineering Repairability vs Demolition Inspection of Building 138. The engineering inspection determined the building is in dilapidated condition and would expose the abatement workers to hazardous and unsafe working condition. Therefore, this alternative is not feasible based on unsafe working conditions.

Alternative 3 (Wet Demolition of Building and All ACM and LBP) will be effective in the short-term and long-term due to the removal of all the COCs. If implemented properly, there will be no risk to human health or the environment remaining at the Site. Due to no contaminants left on-site, changes in climate would not affect this alternative. This alternative is the only one that is safe for workers and that eliminates the potential for exposure to human health and the environment. This alternative will allow for the cleanup goal to be achieved and reused of the Site.

4.3 Difficulty of Implementation

Alternative 1 (No Action) is technically and administratively feasible and would require a small amount of construction to secure the building, services, materials, or equipment. Maintenance or monitoring will be required. Changes in climate will alter the risk associated with this alternative. Climate change for this area predicts more violent and frequent storms which will cause further deterioration of the facility and COC's. Although implementation is possible, the "No Action" alternative would not meet the cleanup goal allowing for redevelopment.

Alternative 2 (Removal of Friable ACM, O&M non-friable ACM and Abatement of LBP) is not implementable based on engineering reports deeming the dilapidated structure beyond repair. Kelly Parker, P.E. conducted an Engineering Repairability vs Demolition Inspection of Building 138. The engineering inspection determined the building is in a dilapidated condition

and would expose the abatement workers to hazardous and unsafe working condition. Therefore, this alternative is not implementable based on unsafe working conditions.

Alternative 3 (Wet Demolition of Building and All ACM and LBP) will require readily available heavy equipment and personnel for implementation and is technically feasible. Contractors will be available to supply required services, materials, and equipment. Maintenance and monitoring will only be required during implementation and following completion of the alternative until final clearance is completed.

Access to the Site is currently available and no areas are inaccessible by passenger vehicles. No road improvements would be required to provide access for construction equipment and personnel.

4.4 Cost

Costs incurred are evaluated on a scale of low, moderate, and high in relation to each of the other alternatives and based upon past experience with similar projects. Conceptual costs (not intended for budgetary estimates) were evaluated for time, effort, labor, and materials necessary.

Alternative 1 (No Action) has low costs associated with this option. Minimal amounts of time, effort, and labor would be required to board up doors and window to secure the building from public access. Changes in climate will alter the risk associated with this alternative. Climate change for this area predicts more violent and frequent storms which will cause further deterioration of the facility and COC's. This will increase on going maintenances.

Alternative 2 (Removal of Friable ACM, O&M non-friable ACM and Abatement of LBP) cost would be extremely high to shore up the building and try to make it accessible for workers based on engineering report deeming the site being a dilapidated structure beyond repair. Kelly Parker, P.E. conducted an Engineering Repairability vs Demolition Inspection of Building 138. The engineering inspection determined the building is in a dilapidated condition and would expose the abatement workers to hazardous and unsafe working condition. Therefore, this alternative is not practical based on unsafe working conditions.

Alternative 3 (Wet Demolition of Building and All ACM LBP) would take a short period of time to complete the remediation and high amounts of effort, labor, and material costs. Overall, this is the alternative will meet the cleanup goals and reuse plan and most expensive alternative evaluated.

A summary of the cost comparison of each of the alternatives is presented in the following table, with the most expensive alternative listed as 3rd and the least expensive alternative listed as 1st.

4.5 Summary Comparison of Potential Alternatives

Comparisons are based on the four evaluation criteria previously discussed. A summary of the comparison of each of the alternatives is presented below along with status as to whether the alternative was retained for consideration as the preferred alternative selected.

Cleanup Alternative	Compliance	Effectiveness	Implementability	Cost ⁽¹⁾	Comment
Alternative 1: No Action	Non-compliant	Not effective	Implementable	\$15,500	This alternative does not satisfy the cleanup goals for this site. Cost to secure the building.
Alternative 2: Removal of Friable ACM & RACM	N/A	N/A	Non-implementable	N/A	This alternative is not possible based on an engineering inspection which determined the building is in a dilapidated condition and would expose the abatement workers to hazardous and unsafe working condition..
Alternative 3: Wet Demolition of Building and All ACM	Compliant	Effective	Implementable	\$345,000	This alternative satisfies the cleanup goal for the building and is the only option that permanently mitigates the COCs; however, it is the most expensive alternative.

5.0 PERFERRED CLEANUP ALTERNATIVE AND COST ESTIMATE

Of the three cleanup alternatives evaluated for selection at the Concho School Properties located at Building #138, 451 N. White Antelope Road, Concho, Oklahoma, the preferred alternative recommended is:

- **Alternative 3: Wet Demolition of Building and All ACM and LBP**

This alternative was selected based upon overall compliance with state and/or federal regulations, effectiveness in protecting human health and the environment in both the short-term and long-term, feasibility of implementation, and cost effectiveness. In addition, this alternative is the closest match to the detailed plans for reuse that have already been considered.

Presented below are the engineering costs to remediate the COCs at the Site. Engineering costs were determined based upon information obtained from the previous Brownfields Pilot Project (2003), Phase II ESA (2015), Phase II ESA Update (2019), Phase II ESA Update (2020) and past experience on similar projects. Actual bids from companies to perform the work may vary from this estimate depending on local conditions and other factors outside of the assessor's knowledge. Final design specifications, features, and cost of the actual remedy may differ from the conceptual design presented.

5.1 ACM and LBP Removal

It is estimated that ACM & LBP remediation at the Site will cost approximately \$345,000. This value is an estimate to remove and dispose of the ACM and LBP from the Site. A detailed conceptual cost estimate breakdown for the total shown in the following table is presented below:

Task	Cost
Mobilization	\$10,000
Material	\$45,000
Demolition	\$90,000
Disposal	\$200,000
Total Cost	\$345,000

6.0 SPECIFICATIONS FOR REPORT USE AND RELIANCE

6.1 Special Terms and Conditions

This document has been prepared for the Cheyenne and Arapahoe Tribes for the use and benefit of the Cheyenne and Arapahoe Tribes. Any use of this document or information herein by persons or entities other than Cheyenne Arapahoe Tribe without the express written consent will be at the sole risk and liability of said person or entity. It is understood that this document may not include all information pertaining to the described site.

6.2 Disclaimers

The cost estimate in this report is based upon the Brownfields Pilot Project (2003) by Crystal Creek Environmental Solutions, Inc. Phase II Environmental Site Assessment (ESA) Inter-Tribal Environmental Council (ITEC) Incorporated (2018) and Crystal Creek, LLC (2019 & 2020) Phase II Environmental Site Assessment Updates (ESA) which were in general conformance with the scope and limitations of ASTM E1903-19. The cost estimate presented herein is based on costs from engineering estimate past experience on similar projects as selected alternative presented in this document. Professional opinions are based solely on data collected during the assessment and/or interpretation of information and past data provided for review. Crystal Creek LLC does not warrant or guarantee information obtained from third parties used for this assessment are correct, complete, and/or current.

7.0 REFERENCES

Oklahoma Department of Labor, Oklahoma Asbestos Control Act 40 O.S. § 450, et seq. Abatement of Friable Asbestos Materials Rules OAC 380:50

Asbestos NESHAP is found in 40 CFR Part 61, Subpart M and DEQ has the delegated responsibility to regulate this NESHAP in Oklahoma.

American Society for Testing and Materials (ASTM), 2019, E1903-19, *Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process*.

EPA, 1988. *Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA*. (EPA/540/G-89/004).

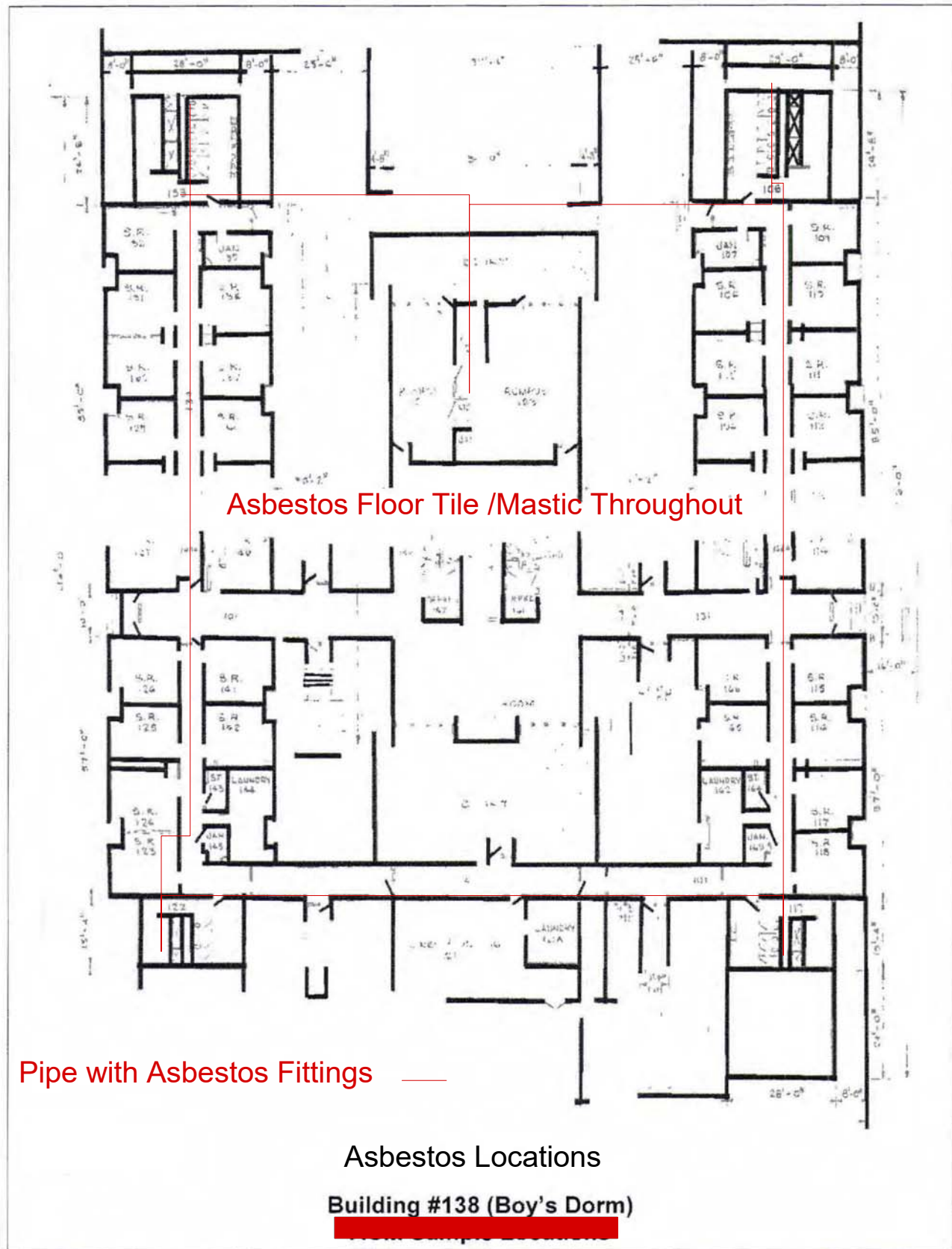
Brownfields Pilot Project (2003) by Crystal Creek Environmental Solutions,

Phase II Environmental Site Assessment (2015), Inter-Tribal Environmental Council Incorporated.

Phase II Environmental Site Assessment Update (2019), Crystal Creek LLC

Phase II Environmental Site Assessment Update (2020), Crystal Creek LLC

FIGURES



TABLES

Building 138 Cost Estimate

Task	Cost
Mobilization	\$10,000
Material	\$45,000
Demolition	\$90,000
Disposal	\$200,000
Total Cost	\$345,000

APPENDIX A
SOLID WASTE LANDFILLS APPROVED TO ACCEPT FRIABLE
ASBESTOS WASTE

Oklahoma Department of Environmental Quality Oklahoma Landfills Accepting Regulated Asbestos Waste

OAC 252:515-19-31 states that the disposal of friable asbestos waste at a solid waste disposal facility is prohibited unless the facility is a municipal solid waste landfill (MSWLF) or non-hazardous industrial waste (NHIW) landfill specifically authorized by the permit to accept such waste. Disposal practices for asbestos and materials containing asbestos must be in compliance with appropriate regulations as set forth in OAC 252:100-40-5.

Permitted to Accept Friable and Non-Friable Asbestos		
COUNTY	SOLID WASTE PERMIT NO.	FACILITY
BECKHAM	3505009	Elk City Municipal Landfill (580) 225-3230
BECKHAM	3505011	Sayre Municipal Landfill (580) 928-2260
CANADIAN	3509005	Oklahoma Environmental Authority Landfill (405) 483-5402
GARVIN	3525012	Pauls Valley Landfill 405-495-0800
GRADY	3526013	Southern Plains Landfill (405) 224-3680
JACKSON	3533005	City of Altus Landfill (580) 477-1950
MAJOR	3547002	Red Carpet Landfill (580) 776-2255
MUSKOGEE	3551020	Muskogee Community RDF (918) 682-7284
OKLAHOMA	3555018	Oklahoma Landfill (405) 745-3091
OKLAHOMA	3555028	SE Oklahoma City Landfill (405) 745-4141
OKLAHOMA	3555036	East Oak Sanitary Landfill (405) 427-1112
OSAGE	3557021	American Environmental Landfill (918)245-7786
OSAGE	3557025	Osage Landfill (918) 336-3159
PAYNE	3560010	Stillwater Landfill (405) 372-6628
PONTOTOC	3562006	City of Ada Municipal Sanitary LF (580) 436-1403
PUSHMATAHA	3564004	Clinton Lewis Construction Co. Landfill (580) 298-3729

SEMINOLE	3567020	Sooner Land Management Landfill (405) 257-6108
SEQUOYAH	3568008	Sallisaw Solid Waste Disposal Facility (918) 775-6241
TULSA	3572042	Quarry Landfill (918) 437-7773
Permitted to Accept ONLY Non-Friable Asbestos		
COUNTY	PERMIT NUMBER	FACILITY
GRADY	3526014	Great Plains Landfill (405) 818-0000
PITTSBURG	3561013	Alderson Landfill (918) 426-0985
COMANCHE	3516015	City of Lawton Landfill (580) 581-3468
KAY	3536014	Ponca City Landfill (405) 767-0300

ENGINEERING REPAIRABILITY VS DEMOLITION INSPECTION

Prepared For

***Mike Jenkinson
Crystal Creek LLC
7909 NW 39th Street
Bethany, OK 73008***

Property Location

***100 Red Moon Circle
Concho, OK 73022***

Inspection Date: 10/14/2019

***Prepared By
Kelly Parker, P.E.***

***Report Date
10/25/2019***

October 25, 2019

Mike Jenkinson
Crystal Creek LLC
7909 NW 39th Street
Bethany, OK 73008

Re: 100 Red Moon Circle
Concho, OK 73022

Inspection Date: 10/14/2019

ENGINEERING REPAIRABILITY VS DEMOLITION INSPECTION

This engineering report has been written to the addressee for your sole use and purpose and is not for the use of any other person, firm, or corporation. Smart House Consultants of America, Inc., and its agents and employees do not have and do disclaim any contractual relationship with, or duty or obligation to, any party other than the addressee of this report and the principals for whom the addressee is acting. As Engineers we have an ethical responsibility to protect the public by using our knowledge for the enhancement of human welfare and to be impartial in serving the public and our clients. No one other than the engineer who signed this document has the authority to change its contents and then only in writing to you. This report addresses our inspection and information reviewed to date. We reserve the right to amend our conclusions should any subsequent information or data warrant such change.

Walk-Through Survey

The walk-through survey conducted during the field observer's site visit of the above referenced property, consisted of non-intrusive visual observations, survey of readily visible components and systems of the subject property. This survey is described in the report below. Concealed physical deficiencies are excluded. It is the intent of this report that this survey not be considered technically exhaustive. It excludes the operations of equipment by the field observer and was conducted without the aid of special protective clothing, exploratory probing, removal of materials, testing or the use of equipment, such as scaffolding, metering/testing equipment or devices of any kinds, etc, unless otherwise noted. It is literally the field observer's visual observations while walking through the subject property.

The objective of the walk-through survey is to visually observe the subject property so as to obtain information on material systems and components for the purposes of providing a brief

description, identifying physical deficiencies to the extent that they are observable, and obtaining information needed to address such issues. Some details and items of my inspection may not be noted in the report. However, all items necessary and sufficient to describe and document the general structural condition of the property at the time of inspection have been included. Photos will be labeled as taken by Engineer but may have been taken at the request of Engineer by others.

PRESENT AT THE INSPECTION

Present at the inspection were Mike Jenkinson, Crystal Creek, LLC; and Kelly Parker, Professional Engineer with Smart House Consultants of America, Inc.

DISCUSSION

I performed an inspection of buildings 11, 10, 138-150 and 139-151. Standard buildings which are environmentally contaminated with asbestos and other contaminants. Upon inspection I found the remedial cleanup to be more expensive than wet demolishing the buildings. The method of removal is:

1. Remove individual components such as floor tile, asbestos pipe wrap, etc.
- OR
2. Demolish the building using a wet spray method.

After evaluating all of the buildings it became apparent the conditions in which the environmental removal workers would be exposed to would be hazardous to their working conditions. In numerous places throughout the building I found dilapidated buildings with ceilings dropping, partial walls torn out, windows torn out, debris throughout, and generally an unsafe working condition. This type of environmental removal would involve destructively removing asbestos pipe, fittings, flooring, etc. and would cause heavy vibration. To do this type of work would require extensive remedial support to protect from falling debris, etc.

After evaluating all of the buildings, it is my professional opinion with a reasonable degree of engineering certainty that the most economical solution to mitigate the environmental issues is to completely demolish the buildings using a wet spray method. During this method heavy equipment is utilized to tear the building down under a cloak of high-pressure water. Debris is then taken to an environmental debris dumping location. In all instances I found the second method of wet spray demolition to be the most economical method in which to address the environmental concerns.

Page 3
100 Red Moon Circle, Concho, OK 73022
10/25/2019

If I can be of further service, please feel free to contact me.

Thank you,

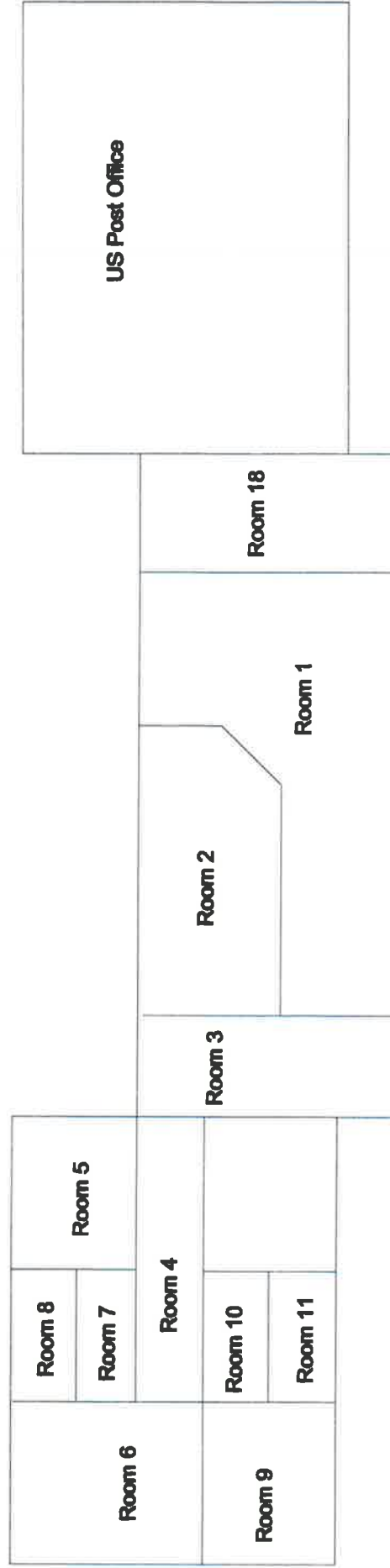
Kelly Parker 10/25/19

Kelly Parker, P.E.
Smart House Consultants
Certificate of Authorization No.: 3229
Expires 6/30/2021

Attachments 1, 2, 3

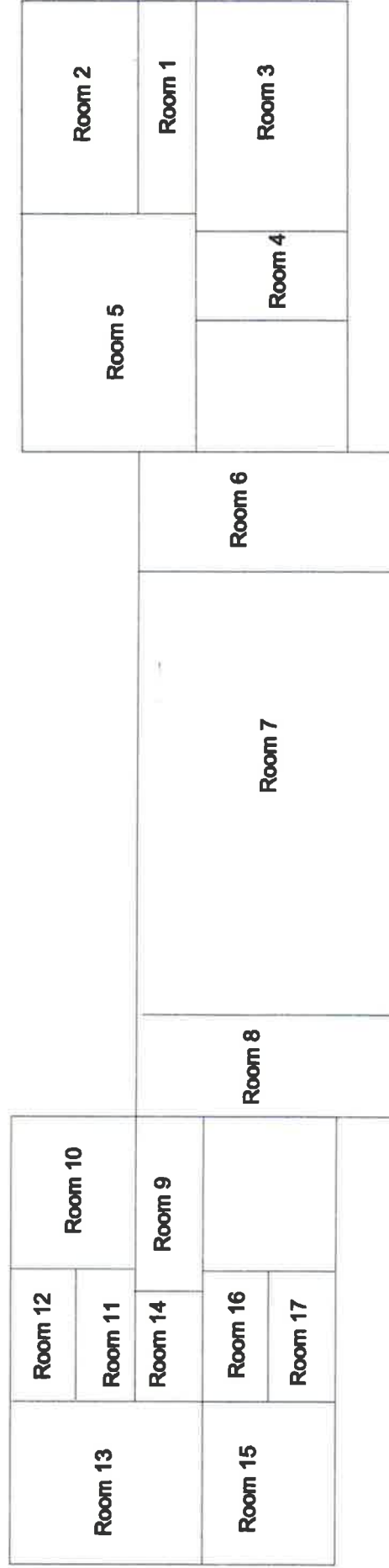


**Building 10, First Floor
400 N. Lefthand Avenue
Concho, OK**

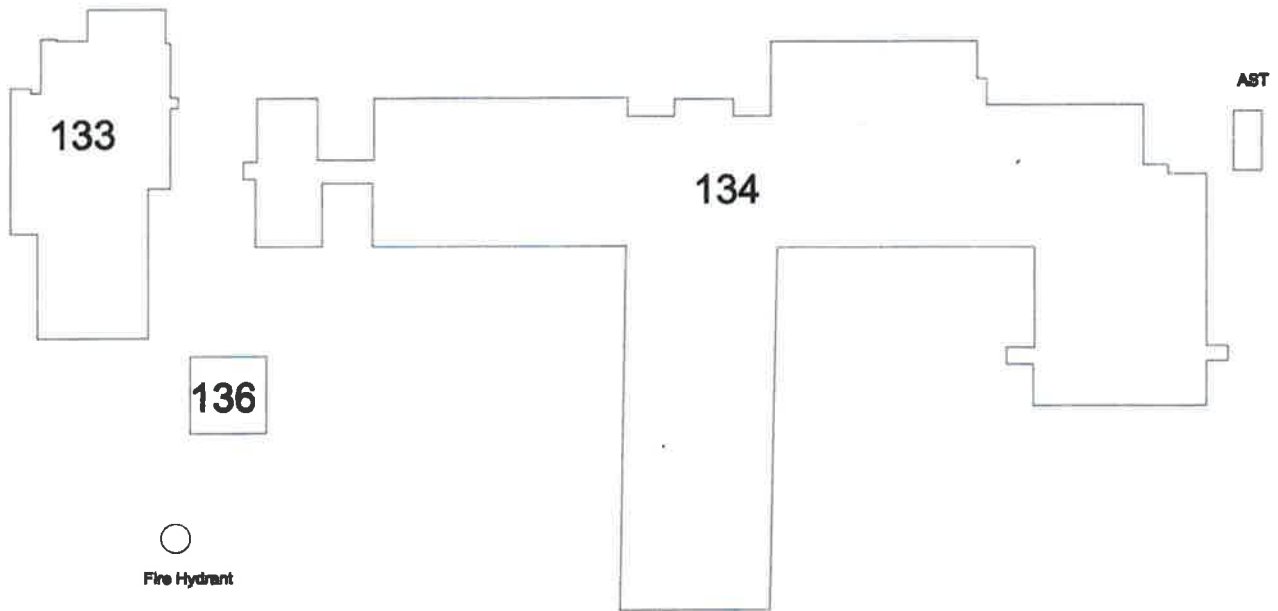
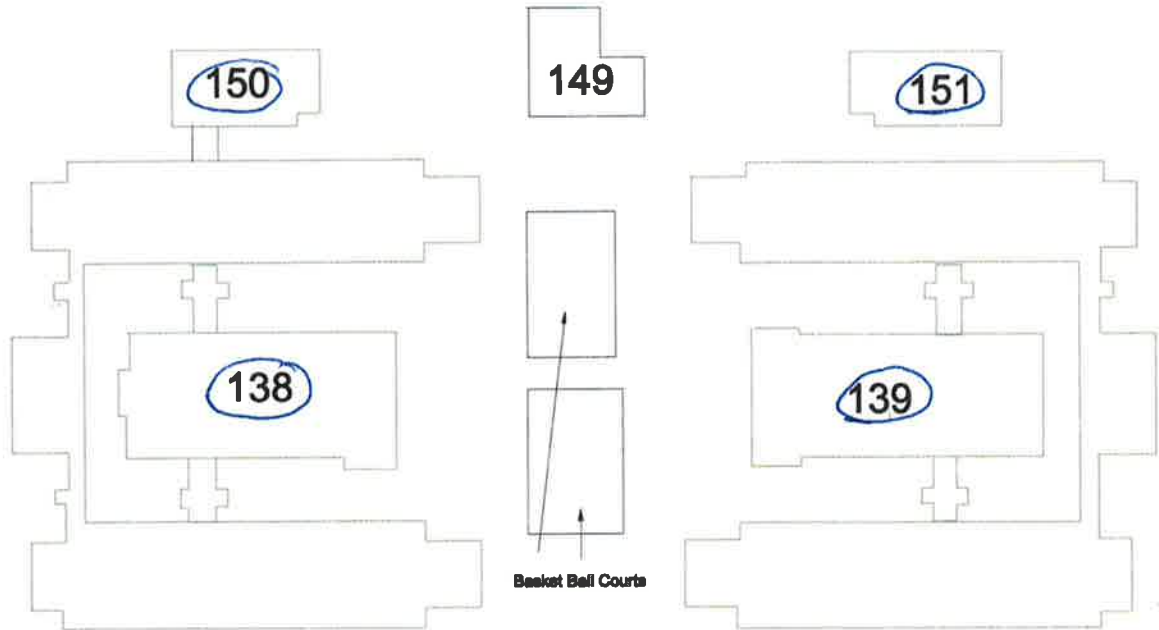


2

Building 11, First Floor
300 Wirllwind Drive
Concho, OK



3



	JOB NAME: CONCHO	
	FIGURE TITLE: SITE MAP	
	DATE: 3-7-03	MAP NO: 1
	DRAWN BY: RYAN DENT	SCALE:

Cheyenne and Arapaho

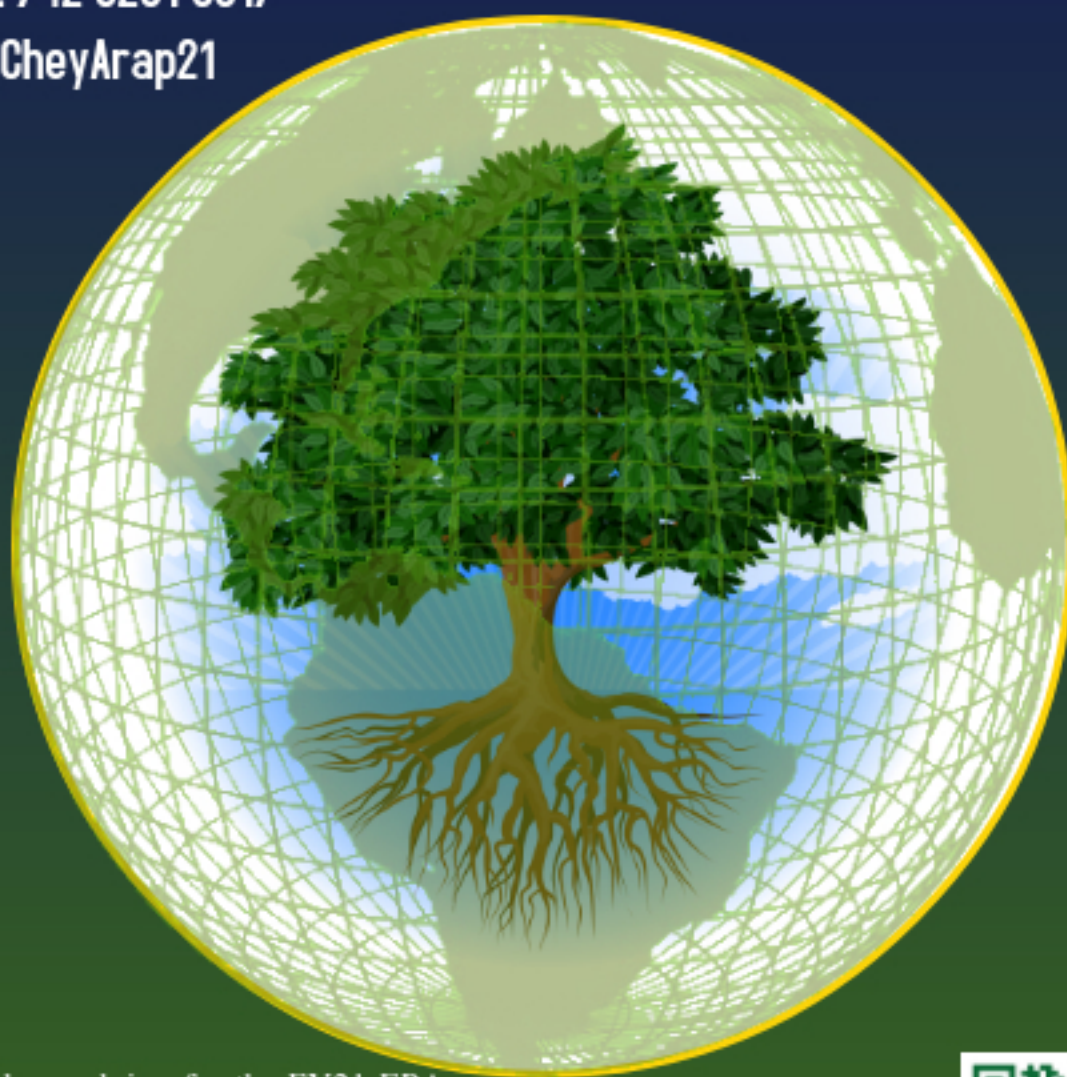
PUBLIC ZOOM MEETING

OCTOBER 13, 2020

1:00 PM

Meeting ID: 742 3281 6617

Passcode: CheyArap21



The Tribes will be applying for the FY21 EPA Brownfields Cleanup Grant. A copy of the DRAFT application and DRAFT ABCA will be available for public review and comment at the Planning & Development Office. To request a digital copy or submit a comment please email damon.dunbar@cheyenneandarapaho-nsn.gov

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**Cheyenne Arapaho**

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1

Cheyenne & Arapaho Tribes

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The purpose of this meeting is to discuss the FY 2021 EPA Brownfields Cleanup Grant application, the Tribes' progress in this 3-phase process thus far, the plan in moving forward to land reuse and revitalization, to educate and inform, and to seek feedback from the tribal community.

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Cheyenne and Arapaho
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BROWNFIELDS AND LAND REVITALIZATION

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The Tribes will be applying for the FY21 EPA Brownfields Cleanup Grant. A copy of the DRAFT application and DRAFT ABCA will be available for public review and comment at the Planning & Development Office. To request a digital copy or submit a comment please email damon.dunbar@cheyenneandrapaho-nsn.gov

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Cheyenne Arapaho

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The purpose of this meeting is to discuss the FY 2021 EPA Brownfields Cleanup Grant application, the Tribes' progress in this 3-phase process thus far, the plan in moving forward to land reuse and revitalization, to educate and inform, and to seek feedback from the tribal community.

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To: [GlobalDist](#)
Subject: EPA Public Zoom Meeting today @2:30
Date: Tuesday, October 13, 2020 11:18:57 AM
Attachments: [image002.png](#)

From: Damon Dunbar
Sent: Thursday, October 8, 2020 3:51 PM
To: Teresa Dorsett <tdorsett@cheyenneandrapaho-nsn.gov>; Marshall Medicinebear <mmedicinebear@cheyenneandrapaho-nsn.gov>
Subject: post global

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The Tribes will be applying for the FY21 EPA Brownfields Cleanup Grant. A copy of the DRAFT application and DRAFT ABCA will be available for public review and comment at the Planning & Development Office. To request a digital copy or submit a comment please email damon.dunbar@cheyenneandarapaho-nsn.gov

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To learn more about what a Brownfields is hover your smartphone camera over the QR code here



To join the Zoom Meeting scan this QR Code



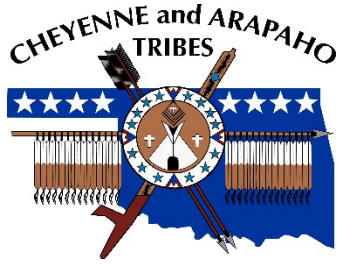
You are invited to a scheduled Zoom meeting TODAY Oct. 13 at 2:30 p.m. (CST). The purpose of this meeting is to discuss the FY 2021 EPA Brownfields Cleanup Grant application, the Tribes' progress in this 3-phase process thus far, the plan in moving forward to land reuse and revitalization, to educate and inform, and to seek feedback from the tribal community.

Join the Zoom Meeting on your computer or smartphone by clicking here:

<https://us04web.zoom.us/j/74232816617...>

Meeting ID: 742 3281 6617

Passcode: CheyArap21



DEPARTMENT OF ADMINISTRATION

PLANNING AND DEVELOPMENT

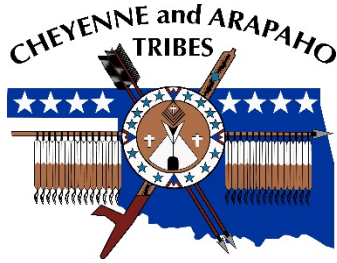
P.O. Box 167
Concho, OK 73022
Telephone: (405) 262-0345

FY 2021 EPA Brownfields Cleanup Public Zoom Meeting

October 13, 2019
2:30 p.m. – 3:30 a.m.
Online

AGENDA

1. Welcome Remarks
2. Introductions
3. Presentation
4. ABCAs
5. Recommendations
6. Vision & Community Input
7. Comments
8. Adjourn



DEPARTMENT OF ADMINISTRATION

PLANNING AND DEVELOPMENT

P.O. Box 167
Concho, OK 73022
Telephone: (405) 262-0345

Brownfield Public Meeting

Online via Zoom

October 13, 2020

Presentation:

Grant Writer, Ms. Amber Nelson:

- Welcome and Introductions

Planning and Development Director, Mr. Damon Dunbar:

- Brownfield discussion and history of Brownfield activities
- EPA's mission
- Grant is up to \$500,000.00 with 20% Cost Share from Cheyenne and Arapaho Tribes
 - Tribes are applying for \$300,000.00 and with the 20% Cost Share, the total will be \$360,000.00
- Asbestos and Lead and the hazards that accompany
- Brownfields to Greenfields and the objectives (4 phases)
- Structural Engineering Report
- ABCA
- Photos
- Vision - Telling the Tribes' stories
- Integrating Cheyenne and Arapaho Culture
- Keeping the future of the Tribes traditional
- Connection for "Tomorrow's People"
- How to review and comment and where

Comments/Questions & Answers:

Q: Loren Waters: How long do you anticipate the entire process taking?

A: Damon Dunbar: On Phase I, we will likely have the RFPs released in January. It should take about 1 month to select and award the contract to a company. The project work should take about 6 months, so we are expecting Phase I to be completed by the end of next year. Then, if we are awarded Phase II this cycle, it would take a little more time due to the conditions/specifications of the building. The entire process should take approximately 4 years. Fire Management Safety

Comment: Gordon Yellowman: I really like the presentation and the vision. I like the look of the administrative building. It reminds me of what the Choctaw Nation did with their administrative building. It is good that the idea is to have a buffalo outlook area that incorporates the culture with the building. This will also be good for economic growth through tourism. Great job!

Response: Damon Dunbar: It is a great opportunity for us, and I am glad you are on board with the project. It has taken a while to see things finally starting to take off on this, but it will be great for the Tribes.

Q: Oral Saulters: Thank you for the great overview. Have you had any other opportunities or events allowing you to share your vision with the community for input?

A: Damon Dunbar: We were able to share pictures and the vision during last years' outreach meetings. We have share information via Facebook and through fliers and global email distribution as well. So far, the community has been very positively receptive to the plans. We will be incorporating a memorial showing that there was once a boarding school, so that these sites will never be forgotten.

Comment: Oral Saulters: Fantastic!

Comment: Mike Jenkinson: I would just like to say it has been so great working with the Tribes over the years on these projects, and I am excited to see the progress.

Response: Damon Dunbar: I am glad to have a great working relationship with all our partners. We have a great support system.

Comment: Sheila Sevenstar: It has been a slow process, but you have made great progress.

Q: Anuhya Konda: How many design proposals did you get for this project?

A: Damon Dunbar: We have just one. We had an architectural firm under contract with the Planning and Development Program who provided the renderings.

Q: Anuhya Konda: Will you open it up for more firms when you get ready to rebuild?

A: Damon Dunbar: Yes. We will. These rendering are just a general concept.

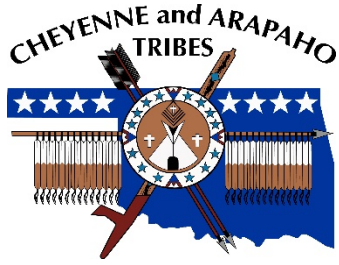
Comment: Cheiko Buffalo: I'm excited to be a part of this project.

Comment: Damon Dunbar: Are there any other questions/comments?

Comment: Amber Nelson: The draft application as well as the ABCA are available if you would like to review and/or comment. They can be requested by contacting Planning and Development Program via email or in person.

Comment: Damon Dunbar: Thank you all for joining us and for all of your comments and questions.

Meeting Adjourned



DEPARTMENT OF ADMINISTRATION

PLANNING AND DEVELOPMENT

P.O. Box 167
Concho, OK 73022
Telephone: (405) 262-0345

Brownfield Public Meeting

Online via Zoom

October 13, 2020

Participants:

1. Damon Dunbar
2. Amber Nelson
3. Oral Saulters
4. Anuhya Konda
5. Cheiko Buffalo
6. Mike Jenkinson
7. Jennifer Clancey
8. Loren Waters
9. Michelle Bigfoot
10. Robyn French
11. Sheila Sevenstar
12. Gordon Yellowman

13. Statutory Cost Share: Due to the COVID-19 nationwide pandemic and the shortage in staff and operational hours, the Tribes have not received an official Resolution approved by the Eight Legislature of the Cheyenne and Arapaho Tribes to support the FY 2021 Brownfields Cleanup Grant application to the U.S. EPA through legislative process. However, the Eighth Legislature is aware and remains supportive of the project, which is considered phase II of a four-phase process towards ongoing community revitalizations plans. The Governor has provided a letter of commitment and the Tribes will provide a Resolution after signatures have been obtained through legislative process on the November regular session. This Resolution will approve the appropriation and commitment of tribal funds in the amount of \$60,000.00 to meet the 20% cost share requirement for the proposed project. All funds committed for the project, federal and non-federal, for Building 138, will be used for eligible and allowable expenses and will comply with 2 CFR § 200.306.

The proposed site has been thoroughly examined, tested for contamination, and is expected to have a total project cost of \$360,000.00, based on qualified and experienced estimates.

Building 138

Federal grant funds requested	\$300,000.00
<u>Tribal funds committed (20%)</u>	<u>\$60,000.00</u>
Total overall project cost	\$360,000.00

Application for Federal Assistance SF-424

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☒ New
☐ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

10/28/2020

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name: The Cheyenne and Arapaho Tribe

* b. Employer/Taxpayer Identification Number (EIN/TIN):

* c. Organizational DUNS:

1453099930000

d. Address:

* Street1:

P.O. Box 167

Street2:

100 Red Moon Circle

* City:

Concho

County/Parish:

Canadian

* State:

OK: Oklahoma

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

73022-0167

e. Organizational Unit:

Department Name:

Department of Administration

Division Name:

Planning and Development

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Mr.

* First Name:

Damon

Middle Name:

* Last Name:

Dunbar

Suffix:

Title: Planning and Development & EPA Director

Organizational Affiliation:

The Cheyenne and Arapaho Tribes

* Telephone Number:

405-422-7730

Fax Number:

* Email: damon.dunbar@cheyenneandrapaho-nsn.gov

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

I: Indian/Native American Tribal Government (Federally Recognized)

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

Environmental Protection Agency

11. Catalog of Federal Domestic Assistance Number:

66.818

CFDA Title:

Brownfields Assessment and Cleanup Cooperative Agreements

* 12. Funding Opportunity Number:

EPA-OLEM-OBLR-20-07

* Title:

FY21 GUIDELINES FOR BROWNFIELD CLEANUP GRANTS

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

1234-CA Service Area Map.pdf

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

C&A Tribes Concho Brownfields Cleanup Phase II

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:*** a. Applicant * b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:* a. Start Date: * b. End Date: **18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="300,000.00"/>
* b. Applicant	<input type="text" value="60,000.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="360,000.00"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☒ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☐ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title: * Telephone Number: Fax Number: * Email: * Signature of Authorized Representative: * Date Signed: